POSTS AND TELEGRAPHS

COMPILATION

of the

FUNDAMENTAL RULES

made by

The Secretary of State in Council under Section 96B of the Government of India Act, including Orders, etc., issued by the Secretary of State, Government of India, Auditor General, etc.,

and the

SUPPLEMENTARY RULES

made by

The Governor General in Council, including Orders, etc., issued by the Government of India, Auditor General, etc.

VOLUME I.

Corrected up to the 31st December 1946.

THIRD EDITION



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PREFACE TO THE FIRST EDITION.

This volume contains the Fundamental Rules made by the Secretary of State under Section 96B of the Government of India Act and the Supplementary Rules made by the Governor General in Council in exercise of the powers conferred upon him by the Fundamental Rules. The orders, interpretations and audit instructions issued by the Secretary of State, the Governor General in Council and the Auditor General respectively have been reproduced below the rules concerned. The audit decisions issued by the Auditor General and the Accountant General, Posts and Telegraphs, and the instructions issued by the Director General of Posts and Telegraphs in his circulars in exercise of his powers as "competent authority" have also been reproduced below the relevant rules. These decisions or rulings are produced in this volume in order that the rules may be correctly interpreted and applied ; they are not to be regarded as authorising the grant of concessions or emoluments which may require the administrative sanction of Government or of a subordinate authority.

2. Although the volume is primarily intended for officers of the Posts and Telegraphs Department, an attempt has been made to make it as complete as possible by incorporating all important orders and decisions, including those which do not directly affect the Posts and Telegraphs Department. It is hoped that, with the aid of this compilation, the rules will be better understood and that a considerable reduction in correspondence will result. In referring to decisions, etc., incorporated in this volume, the quotation should be made as indicated below :—

> "Government of India's decision (4) below Fundamental Rule 45 in the Posts and Telegraphs Compilation of Fundamental and Supplementary Rules."

3. It is requested that any errors or omissions which may be found in this volume may be brought to the notice of the Accountant General.

A. C. BADENOCH,
Accountant General,
Posts and Telegraphs.

CALCUTTA ;
The 21st September 1926.

PREFACE TO THE SECOND EDITION.

This edition brings the Compilation up-to-date, with corrections issued up to 31st August 1930, having been incorporated in it. The orders, decisions, etc., which have been rendered obsolete by the revision of the rules themselves, have been either deleted or transferred to a more suitable place.

Wherever the principles involved have not been affected by the revision of the rules, the decisions, etc., under the old rules have been retained under the revised rules and the relevant (clauses of the) new rules have been shown in parenthesis against the references to old rules contained in those decisions, etc. Opportunity has also been taken to show, in parenthesis for the sake of convenience, the relevant rule (or appendix) in a code against orders or resolutions quoted in decisions, etc., which may have since been codified. The references quoted under the Audit Instructions have been brought up-to-date. Important audit rulings have also been incorporated in this edition. A new Appendix embodying the Civil Services (Classification, Control and Appeal) Rules has been inserted.

The Accountant General's recent decisions have been omitted from this compilation, as they cannot be considered to be sufficiently authoritative for a compilation of this character. The old decisions, however, which have stood the test of time have been retained.

It is requested that any errors or omissions which may be found in this volume may be brought to the notice of the Accountant General, Posts and Telegraphs.

JAGAT PRASAD,
Accountant General,
Posts and Telegraphs.

DELHI:
The 17th January 1931.

PREFACE TO THE SECOND EDITION (REVISED).

This edition again brings the Compilation up-to-date. It incorporates all corrections issued to the second edition up to the 31st July 1935.

For the sake of convenience, it has been divided into two volumes—Volume I containing the Civil Services (Classification, Control and Appeal) Rules, the Fundamental Rules and the Supplementary Rules made by the Governor General in Council, and Volume II containing the Appendices and Forms.

The opportunity has also been taken to recast the book in a more legal and convenient sequence. The Civil Services (Classification, Control and Appeal) Rules have been brought into the body of the book as the opening Section of the first volume, and the Fundamental Rules have been reprinted in two sets. The first set gives them in the form applicable to members of services under the rule-making control of the Secretary of State in Council, and the second set in the form applicable to members of services under the rule-making control of the Governor General in Council.

There are some verbal differences in the two sets of the rules (*e.g.*, F. R.'s 19 and 69) and the number of these will probably increase as divergent amendments are made by one authority or the other. The object of printing the rules in the two sets is to facilitate reference and subsequent corrections.

No attempt has been made to revise any of the rules in order to eliminate any verbal inconsistencies they may at present contain as the legal offspring of the Civil Services (Classification, Control and Appeal) Rules. They have merely been reproduced as they stand.

An attempt has been made to indicate briefly in footnotes the history or date of effect of all changes in the rules since the Second Edition.

The orders and decisions, etc., of various authorities under the Fundamental Rules have been reproduced in the main under the second set of Fundamental Rules, in Section III, applicable to the Governor General in Council's services. Some few of them, however, which could be readily distinguished

as being solely applicable to the Secretary of State's services have been taken to Section II. Some have been omitted as obsolete, and some others have been re-paraphrased to suit changes in the rules to which they refer. The Accountant General's decisions have been finally omitted in view of the extra-departmental client le which the Compilation is now serving.

To reduce the growing size of the work, the following portions of it have been omitted in view of their merely local or specialised interest :—

(*a*) S. R.'s 317A to 317P-VI.

(*b*) Appendices 1, 2 and 12.

Appendix 5A has been taken under F. R. 17 in Section III and the gap has been utilised to accommodate the Re-employed Personnel (Conditions of Service) Rules 1932, for the better understanding of F. R. 22A.

Readers are advised to retain the Second Edition of the Compilation for reference.

The undersigned would be grateful if errors or omissions could be brought to his notice.

B. NEHRU,
Accountant General,
Posts and Telegraphs.

NEW DELHI,
The 11th December 1935.

PREFACE TO THE THIRD EDITION.

This edition again brings the Compilation up-to-date, incorporating all corrections issued to the Second Edition (Revised) up to the 31st December 1946 and is printed in order to meet the demand for copies of these Rules.

The orders, decisions etc., which have been rendered obsolete by the revision of the rules themselves have been either deleted or transferred to a more suitable place.

In view of the impending constitutional changes in India, the Secretary of State's rules are likely to be replaced and other rules might undergo changes. At this stage of transition, however, it has been considered useful and desirable to bring out a reprint of the Fundamental Rules and Supplementary Rules up-to-date, as they stand.

2. Opportunity has also been taken to incorporate in the Compilation all the Audit Instructions which were previously omitted on the ground that the corresponding decision or order of Government on the same subject had already been included in the Compilation as such. In these cases, the Audit Instruction containing the decision of Government, with the concurrence of the Auditor General of India, has been inserted below the rule concerned and the corresponding orders or decisions of the Government omitted from the Compilation. These as well as the Audit Instructions, already reproduced in the Second Edition (Revised), have been arranged in the Compilation as far as possible in the order in which they appear in the Manual of Audit Instructions (Reprint) 1938 and the authority cited in parenthesis below each Audit Instruction has also been amended accordingly.

In other respects, the arrangement of the rules, orders etc., followed in the Second Edition (Revised) has been retained.

3. It is requested that any errors or omissions found in this Volume may be brought to the notice of the Accountant General, Posts and Telegraphs.

S. A. VANESWAR,
Accountant General,
Posts and Telegraphs.

SIMLA,
The 19th February 1947.

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SECTION I.

THE CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES.

SECTION I.

THE CIVIL SERVICES (CLASSIFICATION, CONTROL AND APPEAL) RULES.[1]

Made by the Secretary of State for India in Council under Section 96 B (2) of the Government of India Act, on the 27th May 1930.

Part I.—General.

C. S. (C. C. A.) R. 1. (1) These rules may be called the Civil Service (Classification, Control and Appeal) Rules.

(2) The Civil Services (Governors' Provinces) Classification Rules and the Civil Services (Governors' Provinces) Delegation Rules, 1926, are hereby cancelled.

Audit Instruction.—The powers derived from a delegation under Section 96-B of the Government of India Act cannot be exercised by the recipient of the delegated powers with effect from a date earlier than the date of the delegation, which date, in this case, is the 27th May 1930.

[Para. 1 (i) of Section VI, Manual of Audit Instructions (Reprint).]

C. S. (C. C. A.) R. 2. For the purposes of these rules, unless there is anything repugnant in the subject or context,—

(a) " Government " means the Governor-General in Council or a Local Government as the circumstances require.

(b) Where a member of a service is referred to as appointed by an authority the reference is subject to the provisions of rule 22 to the authority which appointed him to the service of which he is for the time being a member :

Provided that a member of a service who prior to his appointment to such service was appointed to the service of the Crown in India by an authority higher than the authority which appointed him to such service shall, if the higher authority so directs, be deemed for the purposes of these rules to have been appointed by the higher authority.

C. S. (C. C. A.) R. 3. These rules shall apply to every person in the whole-time civil employment of a Government in India (other than a person so employed only occasionally or subject to discharge at less than one month's notice) except—

(a) persons for whose appointment and conditions of employment special provision is made by or under any law for the time being in force ;

(b) (*i*) Railway servants as defined in section 3 of the Indian Railway Act, 1890 ;

[1]Published in Part I of the *Gazette of India* of the 21st June 1930 with the Home Department Notification No. F.-9/3/30-Estabts., dated the 17th June 1930.

(ii) Persons holding posts in the Railway Board who are subject to the Railway Services (Classification, Control and Appeal) Rules, and

(iii) other persons holding posts under the administrative control of the Railway Board or of Financial Commissioner of Railways ;

[1](c) persons in respect of whose conditions of service, pay and allowances, pension, discipline and conduct, or any of them, special provision has been made by agreement entered into before these rules were made or entered into thereafter in pursuance of the provisions of rule 46 :

Provided that in respect of any matter not covered by the provisions, special to him, his service or his post, these rules shall apply to any person coming within the scope of exceptions (a) or (c) above to whom but for these exceptions the rules would otherwise apply :

Provided also that these rules shall apply to any person temporarily transferred to a service or post coming within exception (b) to whom, but for such transfer, these rules would otherwise apply.

Secretary of State's Direction.—1. With reference to Rules 3, and 4 of the Rules in this Section, the Secretary of State in Council has been pleased to direct that the Governor General in Council or a local Government as the case may be (hereinafter called 'the Government') shall in respect of recruitment, conditions of service, pay, allowances, discipline, conduct and pensions have full power of control (including power of delegating control to subordinate authorities) over—

(*i*) persons in part-time civil employment,

(*ii*) persons in civil employment employed only occasionally or subject to discharge at less than one month's notice,

and over persons excluded from the scope of the said Rules by an order under Rule 4 of those Rules to the extent of such exclusion.

Provided that :

(*a*) this Direction shall not empower the Government to affect to the disadvantage of any such person in any respect the conditions of service applicable to him on 26th May, 1930, unless the Government had power so to affect them on 8th March, 1926, or unless such person gives his consent ;

(*b*) in respect of the pay of any such person the restrictions on the financial powers of the Government imposed by Rule 10 of the said Rules shall be observed ;

(*c*) no order of removal or dismissal shall be passed on a person excluded under Rule 4 of the said Rules from the operation of Rule 55 of those Rules (other than an order based on facts which have led to his conviction in a criminal court) unless he has been informed in writing of the order which

[1] This revised clause has effect from the 1st November 1982

it is proposed to pass and of the grounds on which it is proposed to pass it, and has been afforded a reasonable opportunity of making any representation that he may desire to make and such representation, if any, has been taken into consideration before the order is passed.

This proviso shall not apply where the person concerned has absconded or where it is for other reasons impracticable to communicate with him. Any of its requirements may, for sufficient reasons to be recorded in writing, be waived, where there is difficulty in observing the requirement and the requirement can be waived without injustice to the person concerned ;

(*d*) If the Government has, whether under the said Rules or under this Direction, delegated to an authority subordinate to it power to impose a penalty upon a person excluded under Rule 4 of the said Rules from the operation of any of the said Rules which confers a right of appeal from an order of punishment, such person shall have the right of at least one appeal to a higher authority from an order imposing such penalty.

2. Nothing in this Direction shall apply to railway servants as defined in Section 3 of the Indian Railways Act, 1890, or to other persons holding posts under the administrative control of the Railway Board or of the Financial Commissioner of Railways.

[The terms ' local Government ' and ' Government ' used in this Direction include a Chief Commissioner.]

[G. I., H. D., letter No. F.9/3/30-Ests., dated the 6th May 1931.]

Government of India's decision.—In exercise of the powers conferred by the Direction which the Secretary of State for India in Council has issued in connection with rules 3 and 4 of the Civil Services (Classification, Control and Appeal) Rules, the Governor General in Council is pleased to direct that all rules and orders in existence on the 26th May 1930 regulating the recruitment, conditions of service, pay, allowances, discipline, conduct and pensions of personnel wholly excluded from the scope of the Classification Rules by or under Rules 3 and 4 (1) of those Rules, including any rules and orders defining the powers of authorities subordinate to the Governor General in Council in such matters, shall remain in operation except in so far as they may be specifically cancelled or modified by the competent authority, provided that amendments made from time to time by the Governor General in Council to such rules or orders as are also applicable to persons governed by the Classification Rules and rules made thereunder shall *mutatis mutandis* apply to the personnel mentioned above.

[G. I., H.D., Office Memo. No. F.-9/9/35-Ests., dated the 30th April 1935, received with G. I., F. D., endorsement No. D.-1948-Ex. I/35, dated the 16th May 1935.]

Audit Instruction.—The Bodyguard establishment of a Governor being part of the Indian Army and subject to the Indian Army Act of

1911, the members thereof are in military service and not in the civil service of the Crown in India within the meaning of Section 96-B of the Government of India Act and the Civil Services (Classification, Control and Appeal) Rules are therefore inapplicable to them.

[Para. 1 (*ii*) of Section VI Manual of Audit Instructions (Reprint).]

C. S. (C. C. A.) R. 4. Notwithstanding the provisions of the foregoing rule, the Government may by notification published in the *Gazette of India* or the local official Gazette :— (1) Exclude wholly or in part from the operation of these rules any [1][ministerial or petty officer or inferior servant, or any class of such officers or servants to whom] the Government shall declare that the rules cannot suitably be applied, and these rules shall thereupon, to the extent of such exclusion, cease to apply accordingly ; (2) declare in respect of any person or group of persons that these rules shall not apply in whole or in part to such person or group and these rules shall thereupon cease to apply accordingly :

Provided that no declaration under sub-rule (2) of this rule shall be made in respect of any person who—

(a) holds a pensionable post ; or

(b) holds a permanent whole-time post ; or

(c) was appointed by the Secretary of State in Council or the Governor General in Council, save by or with the sanction of the appointing authority.

C. S. (C. C. A.) R. 5. If any doubt arises—

(a) as to whether these rules apply to any person, the matter shall be referred to the authority which appointed him ;

(b) as to whether any person to whom these rules apply belongs to a particular service, the matter shall be referred to the controlling authority of that service ;

(c) as to which of two or more services is the service to which a person to whom these rules apply belongs, the matter shall be referred to the highest authority among the controlling authorities of the services concerned ;

and, in each case, the decision of the authority to whom the matter is referred shall be final.

C. S. (C. C. A.) R. 6. The decision of the Secretary of State in Council shall be final on any question whether any rule, purporting to be made in exercise of the powers conferred by these rules, was validly made or contravenes any of the provisions of these rules and the authority by which the rule was made shall give effect to any orders which may be passed by the Secretary of State in Council thereon.

C. S. (C. C. A.) R. 7. Where by these rules power is delegated to, or conferred upon, any authority to make rules regulating the classification, the methods of recruitment, the conditions of service, the pay, allowances

[1]] This amended phrase takes effect from the 1st November 1932.

and pensions, or the discipline and conduct of any class of the Civil Services specified in Rule 14, the rules, notifications, and orders, by whatsoever authority made, regulating these matters in respect of that class which were in operation on the date these rules were made shall remain in operation except in so far as they may be inconsistent with these rules or may be specifically cancelled or modified in exercise of the aforesaid power by the authority to which it is delegated.

C. S. (C. C. A.) R. 8. Nothing in these rules or in any rule made thereunder shall operate to deprive any person of any right or privilege to which he is entitled -

(a) by or under any law, or

(b) by the terms of any contract or agreement subsisting between such person and Government on the date these rules came into force.

C. S. (C. C. A.) R. 9. (1) Subject to the provisions of Rule 8, nothing in any rule made under these rules shall operate to affect to the disadvantage of any person to whom these rules apply, the conditions of service in respect of pay, allowances, pensions or any other matter which are applicable to him--

(a) on the date these rules came into force, or

(b) by virtue of any order or rule made by the Secretary of State in Council,

unless—

(i) the rule has been made with the previous sanction of the Secretary of State in Council, or

(ii) the authority which made the rule had power on the 8th day of March 1926 to make it, or

(iii) such person gives his consent.

(2) For the purpose of this rule, a person who was holding a post on the aforesaid date, in an officiating or provisionally substantive capacity, and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been holding that post on that date.

Government of India's decisions.—

(1) A question was raised whether the action of a Local Government in restricting by executive order, the leave-salary of an officer protected by Rule 9 of the Civil Services (Classification, Control and Appeal) Rules during leave on half average pay out of India to actual half average pay instead of the minimum of £25 admissible to him under F. R. 90, even with the officer's consent, was *ultra vires*. It was held that the order was *ultra vires* of F. R. 90 and the following analysis of the case was given by the Auditor General with the agreement of the Government of India :—

Rules 9 and 46 of the Civil Services (Classification, Control and Appeal) Rules each has its own special purpose. Rule 9 provides definitely for deliberalisation of existing rules governing conditions of service

and there cannot be deliberalisation of service conditions laid down in rules except by action under Rule 9.

Rule 46 provides for :—

(i) additional concessions to members of a service not incorporated in statutory rules (*vide* the running commentary in Appendix 3-A). This purpose of the Rule is not apparent from the wording of the Rule itself ;

(ii) Regulation of conditions of service *ab initio* of holders of special posts, or even of members of general services who discharge particular functions.

Agreement under Rule 46 should be a formal agreement executed either at the beginning of a contract period of service or when conditions are being laid down with regard to the performance of specific duties.

The scope of the two rules being as explained above, Rule 46 cannot be applied to deprive members of services of concessions they enjoy by Rule owing to their being on the cadre of a service. As deliberalisation is specially provided for by Rule 9, Rule 46 is clearly not intended to be another medium of deliberalisation.

If the provisions of the Civil Services (Classification, Control and Appeal) Rules are considered in relation to the facts of the present case it is clear that the Local Government's executive order was *ultra vires* of Fundamental Rule 90 as adopted by themselves for persons subject to their rule-making powers. Such persons cannot be deprived of the benefit of the *minimum* leave-salaries prescribed in Fundamental Rule 90 save through the medium of a Rule made by the Local Government under the power delegated in the Classification Rules, and if such a Rule were made it would not apply to a person within the protection conferred by sub-rule (1) of Rule 9 of the Classification Rules unless the Rule were made with the previous sanction of the Secretary of State in Council or the person gave his consent to the application of the Rule to himself, which he presumably would not do unless he were subjected to some form of unjustifiable pressure

Rule 46 of the Classification Rules has no application to the facts of the case. In the first place, there appears to be no suggestion that the Local Government purported to provide by agreement with the persons concerned that they should not enjoy the benefit of the minimum leave-salaries prescribed in Fundamental Rule 90, and, in the second place, the circumstances were not such as to bring Rule 46 into operation.

[Ar. G's. letter No. 44-A/199-34, dated the 26th February 1935.]

(2) A case has recently come to notice in which a local Government issued executive orders in respect of Government servants under their rule-making control, which laid down that all new appointments made after a certain date should carry pay at the then existing rates less a certain percentage, and that the reduced rates should apply also to persons already in Government service on promotion to higher posts.

It has been held that the action of the local Government was *ultra vires* of the provisions of the Civil Services (Classification, Control and Appeal) Rules in two directions. In the first place the orders should have been issued in the form of a " rule " as required by those Rules, and in the second place, the power of local Governments to make rules under the second sentence of the substantive part of rule 2 of the Fundamental Rules, read with clause (*a*) of the proviso thereto, is confined to the making of rules modifying or replacing any of the Fundamental Rules and as the Fundamental Rules contain nothing relevant to the actual rates of pay to be drawn by particular establishments, the required rules could never have been made by the local Government under rule 2 of the Fundamental Rules. Power to make rules of the nature in question was conferred on local Governments for the first time on the 9th March 1926 by rule 4 of the Civil Services (Governors' Provinces) Delegation Rules, 1926, and consequently under the combined operation of clause (*b*) and clause (*ii*) of sub-rule (1) of rule 9 of the Civil Services (Classification, Control and Appeal) Rules, the local Government's orders, even if they had been issued in the form of rules, required the previous sanction of the Secretary of State in Council so far as they affected persons under their rule-making control who were in service on the 8th of March 1926.

[G. I., F. D., letter No. F.-13 (3)-Ex. I/35, dated the 21st August 1935.]

C. S. (C. C. A.) R. 10. Nothing in these rules or in any rule made under them shall be construed as authorising a Government otherwise than with the previous sanction of the Secretary of State in Council—

(1) to create a permanent post on a maximum rate of pay exceeding Rs. 3,000 a month or to increase the maximum pay of a sanctioned permanent post to an amount exceeding Rs. 3,000 a month ;

(2) to create or continue a temporary post for a period exceeding six months if the pay of the post exceeds Rs. 4,000 a month, or for a period exceeding three years if the pay of the post exceeds Rs. 3,000 a month ;

[1](3) to create or continue a temporary post for a period exceeding three months for the performance of the duties of a post borne on the cadre of an All-India Service which has been left unfilled under rule 25.

C. S. (C. C. A.) R. 11. Nothing in these rules should be construed as authorising a local Government otherwise than with the previous sanction of the Governor-General in Council to institute or make rules regulating any Provident Fund.

C. S. (C. C. A.) R. 12. Any rules made by a Government in exercise of power delegated under these rules may, for reasons to be recorded in writing, be relaxed in individual cases in which that Government is satisfied that a strict application of the rule would cause hardship to the individual concerned [2][* * *].

[1] This clause has effect from the 3rd September 1935.

[2][] Deleted with effect from the 22nd September 1936.

Government of India's decisions.—

(1) The audit authorities should be acquainted with the grounds for departure from rule in matters touching public expenditure and receipts. Wherever possible, the specific grounds should be stated in the order itself ; in exceptional cases they may be communicated confidentially to the Audit Officer.

[G. I., F. D., letter No. F.-51-I.-Ex. I/31, dated the 30th January 1931.]

(2) Under the Fundamental Rule 5-A a local Government can relax any of the provisions of the Subsidiary Rules framed under the Fundamental Rules in the case of an officer of any of the Secretary of State's Services, and under rule 12 of the Civil Services (Classification, Control and Appeal) Rules it can relax any of the provisions of the Subsidiary Rules framed under the Fundamental Rules as well as of the Fundamental Rules themselves in the case of a member of any of its own services. Rule 12 of the Civil Services (Classification, Control and Appeal) Rules prohibits generally an exception to a rule which has been issued categorically, that is to say, prohibits an exemption not provided for in that rule itself. It does not prohibit the framing of a rule providing that exemptions from its applications may be granted by specific authorities in the exercise of their discretion. Such rules should be as few as possible and the discretion should be subjected to as many limitations as the circumstances permit and the discretion should be confined to Government in all except minor matters.

[Ar. G.'s Endorsement No. 173-A/68-33, dated the 11th November 1933.]

Auditor General's decision.—Section 241 (5) of the Government of India Act, 1935, takes the place of Section 96-B (5) of the old Government of India Act. Rule 12 of the Civil Services (Classification, Control and Appeal) Rules was framed under sub-section (2) of Section 96-B of the old Act but with reference to the provision in sub-section (5) of that section. As Section 96-B (5) of the old Act has been superseded by Section 241 (5) of the Government of India Act, 1935, and as the latter gives more power to the local Government than Rule 12 of the Civil Services (Classification, Control and Appeal) Rules, the condition of "hardship to the individual" having been dropped, Rule 12 of the Civil Services (Classification, Control and Appeal) Rules is no more operative, being inconsistent with Section 241 (5) of the Government of India Act, 1935. The provision in Section 241 (5) of the Act therefore holds the field after 31st March 1937.

This view has the concurrence of the Government of India.

[Ar. G's letter No. T-1329-A/178-37, dated the 12th October 1937.]

C. S. (C. C. A.) R. 13. (1) The local Legislature of any Governor's province is hereby authorised to make laws for the establishment, and for determining the functions, of a Commission to regulate the public services of the province ; but any such law shall be subject to the provisions of any rules made by the Secretary of State in Council under sub-section (2) of section 96-B or section 96-C of the Government of India Act for the time being in force, whether made before or after its enactment, and, if it is at

the time of its enactment, or thereafter becomes, repugnant to any such provision, shall, to the extent of that repugnancy, be void.

[1](2) No law enacted under the authority of this rule shall provide—

(a) for the appointment or renewal of the appointment or removal of any Member of such Commission otherwise than by the Governor ; or

(b) for the exercise by the Commission with reference to any person in the Civil Service of the Crown in India, other than a member of a provincial specialist or subordinate service under the administrative control of the local Government—

(i) of any function in regard to disciplinary cases ;

(ii) of any other function save with the general or special approval of the Secretary of State in Council in the case of persons appointed by him and of the Governor General in Council in other cases.

[2](3) In any law enacted under the authority of this rule there shall be inserted—

(a) provision that any person who has been a member of a Commission set up by any such law shall, on vacating his office, be ineligible, or

(b) provision that any such person shall, on vacating his office, be ineligible for such period as the Governor may prescribe, to hold any office under the Crown in India other than the office of Member of a Commission set up by any such law or under section 96-C of the Government of India Act.

Part II.—Classification.

C. S. (C. C. A.) R. 14. The public services in India shall be classified as follows :—

(1) the All-India Services ;
(2) the Central Services, Class I ;
(3) the Central Services, Class II ;
(4) the Provincial Services ;
(5) the Specialist Services ;
(6) the Subordinate Services.

C. S. (C. C. A.) R. 15. The All-India Services shall consist of—

(a) members of the services included in Schedule I to these rules ; and

(b) persons who hold in a substantive capacity posts borne on the cadres of the services included in Schedule I.

Audit Instruction.—The effect of Rule 15 (*b*) is to set up an artificial All-India Service with the persons holding in a substantive capacity listed posts in the Indian Civil Service as members thereof. Such persons, therefore, are members of an All-India Service for the purpose of Rule 26,

[Para. 5 of Section VI, Manual of Audit Instructions (Reprint)]

[1] This revised sub-rule has effect from the 1st October 1932.
[2] This sub-rule has effect from the 1st October 1932.

C. S. (C. C. A.) R. 16. The Central Services, Class I, shall consist of the services included in Schedule II to these rules.

C. S. (C. C. A.) R. 17. The Central Services, Class II, shall consist of such services (other than the services included in Schedules I and II) under the administrative control of the Governor General in Council or the Local Government of a Province other than a Governor's Province, as the Governor General in Council may from time to time declare, by notification in the *Gazette of India*, to be included in the Central Services, Class II : Provided that one of the services so included shall be entitled the General Service.

C. S. (C. C. A.) R. 18. The Provincial Services shall consist of such services (other than the services included in Schedule I), under the administrative control of the Local Government of a Governor's Province as the Local Government may from time to time declare, by notification in local official Gazette, to be included in the Provincial Services of that Province : Provided that one of the services so included shall be entitled the General Service.

C. S. (C. C. A.) R. 19. The Specialist Services shall consist of such services (other than All-India, Central or Provincial Services) under the administrative control of the Governor General in Council or the Local Government of a Governor's Province, as the Governor General in Council or such Local Government may, from time to time, by notification in the *Gazette of India* or local official Gazette, declare to be Specialist Services : Provided that one of the services so included shall be entitled the General Service.

C. S. (C. C. A.) R. 20. The various Governments may make rules for the classification into subordinate services of persons to whom these rules apply and who are under their administrative control and are not already included in any of the services comprised in classes (1) to (5) of Rule 14.

C. S. (C. C. A.) R. 21. The controlling authority of every person to whom these rules apply shall, if he is not already so included, include him in a service under its control.

C. S. (C. C. A.) R. 22. [1][Save where his former appointment has been terminated by his removal under rule 49 (vi), no appointment of a person who is included in a service to any other service or post] shall operate to deprive him without his consent of any right or privilege to which he may have been entitled as a member of his former service ; and [2][save as aforesaid] a member of an All-India Service appointed to a service or post included in another class shall not, by reason only of such appointment, cease to be a member of an All-India Service.

Part III.—All-India Services.

C. S. (C. C. A.) R. 23. Save as provided by sections 99 and 100 of the Government of India Act, all first appointments to an All-India Service

[1] [] Substituted for the words "No appointment of a person who is included in a service to any other service or post, except as a penalty imposed under rule 49." with effect from the 28th May 1935.

[2] [] Inserted with effect from the 28th May 1935.

shall be made by the Secretary of State in Council, and the rules regulating recruitment to the All-India Services shall be made by the Secretary of State in Council.

[1]Provided that the Governor-General in Council or the Local Government of a Governor's Province may appoint an officer holding the King's Commission in the Indian Army to any post included in the Indian General Service.

C. S. (C. C. A.) R. 24. The strength, including both the number and character of posts, of every All-India Service shall be determined by the Secretary of State in Council, or in accordance with any rules made in this behalf by the Secretary of State in Council.

Provided that, subject to the limitations specified in Rule 10, the Governor-General in Council or a Local Government may make temporary additions to the cadre of an All-India Service for the performance of any duties of a temporary character.

[2][* * *].

Audit Instruction —The powers delegated to Local Governments by the Civil Services (Classification, Control and Appeal) Rules do not include the power to convert " inferior " posts borne on the cadres of Services under the control of the Secretary of State in Council into " Superior " posts or *vice versa*, as such conversion falls within the mischief of rule 24 of the Rules in so far as it relates to the " character " of the posts.

[Para. 2 Sec. VI, Manual of Audit Instructions (Reprint).]

[3]C. S. (C. C. A.) R. 24-A. The Governor-General in Council or the Local Government of a Governor's Province may make changes in the duties of a post borne on the cadre of an All-India Service, subject to the following conditions, namely :—

(1) If, in the opinion of the Governor-General in Council or of the Local Government, as the case may be, the changes which it is proposed to make are not material changes, they may be made without previous reference to the Secretary of State in Council but shall within six months of their being made be reported to the Secretary of State in Council who, if in his opinion the changes were material, may require the changes to be cancelled or to be modified in such manner as he may direct ;

(2) if, in the opinion of the Governor-General in Council or of the Local Government, as the case may be, the changes which it is proposed to make are material changes, they shall not be made save with the previous sanction of the Secretary of State in Council who may either sanction the proposed

[1] This proviso has effect from the 4th June 1935.
[2] [] Deleted from the 3rd September 1935.
[3] This rule has effect from the 14th August 1934.

changes or refuse to sanction them or sanction them subject to such modifications as he may think fit to impose ;

Provided that a report need not be made regarding, nor shall the previous sanction of the Secretary of State in Council be required to, a temporary change in the duties of a post borne on the cadre of an All-India Service which is due to leave arrangements or which, if not so due, does not last for more than three months.

Auditor General's decision.—The application of rule 24-A of the Civil Services (Classification, Control and Appeal) Rules is neither possible in Audit nor within the purview of Audit, as the rule has no direct financial effect.

[Ar. G's letter No. 334-A/223-36, dated the 13th October 1936.]

C. S. (C. C. A.) R. 25. The Governor-General in Council or the Local Government of a Governor's Province may leave a post borne on the cadre of an All-India Service unfilled for a period of three months. If it is intended to leave such a post unfilled for a period exceeding three months or if such a post has been left unfilled for a period exceeding three months, a report shall subject to any rules made in this behalf by the Secretary of State in Council forthwith be made to the Secretary of State and, if the Secretary of State in Council directs that the post be filled, the Governor-General in Council or the Local Government, as the case may be, shall proceed to fill it.

Secretary of State's decision.—The Secretary of State in Council has held that the performance of the duties of a post borne on the cadre of an All-India Service by an officer of that service in addition to his other duties is tantamount to leaving the former post unfilled within the meaning of C. S. (C. C. A.) Rule 25.

[G. I., H. D., letter No. F. 36/35-Ests., dated the 15th June 1935.]

Government of India's decision.—On the formulation of the complete set of Reserved Posts Rules under Section 246 of the Government of India Act, 1935, rules 25, 27 and 28 of the Civil Services (Classification, Control and Appeal) Rules have ceased to be operative.

[Ar. G's letter No. 169-A/215-38, dated the 23rd March 1939.]

Audit Instructions.—

(1) A post is to be considered as left 'unfilled' when arrangements are such as to permit of a cadre's being reduced temporarily or permanently by one in consequence of the arrangements for the work of the post. This does not affect the power of the local Governments under F. R. 49. But when F. R. 49 is employed so as to render nugatory a separate and individual charge by a member of an All-India Service, a report must be made to the Secretary of State in Council if the period involved is over three months.

[Para. 3, Sec. VI, Manual of Audit Instructions (Reprint).]

(2) The words "a post borne on the cadre of an All-India Service" occurring in Rule 25 should be interpreted in the case of the Indian Forest Service as referring only to those posts which are specified in Schedule VII to the Superior Civil Services Rules, such as Principal, Madras.

Forest College, Agency Forest Officer for the Orissa Feudatory States, Conservators and Chief Conservators, Assistant and Deputy Conservators of Forests in charge of, or attached to, Divisions. When a post borne on the cadre of an All-India Service is actually left unfilled, *i.e.*, not filled either by a member of the Service concerned or any other officer, Rule 25 is operative.

When a post, though not filled by a member of the Service on the cadre of which it is borne, is held by an officer other than a member of that Service, the case falls under Rule 27 read with Rule 17 of the Superior Civil Services Rules (or other rules or orders issued by the Secretary of State in Council in this behalf).

[Para. 4, Sec. VI, Manual of Audit Instructions (Reprint).]

Auditor General's decision.—It has been decided by the Auditor General in consultation with the Government of India that the *bona-fide* temporary holding of a post in abeyance is not in contravention of a rule requiring the previous sanction of the Secretary of State to the abolition of a post or alteration of a cadre, and does not involve the exercise of a rule-making power for the service to which the post belongs. It has also been held that rule 25 of the C. S. (C. C. A.) Rules is restrictive and not permissive and that in the absence of a corresponding restrictive rule in the case of central services, the Governor General in Council, or the Local Government where the post is under their administrative control, have full power to leave posts in those services in abeyance, provided that the period of abeyance is not so long as to involve a fraud on the rule setting up the cadre.

[Ar. G's letter No. T.-1141-A/201-35, dated the 12th October 1935.]

C. S. (C. C. A.) R. 26. Rules regulating the conditions of service the pay and allowances and the pensions of members of the All-India Services shall be made by the Secretary of State in Council :

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force.

Audit Instruction.—See Audit Instruction below rule 15 of these rules.

C. S. (C. C. A.) R. 27. Save as provided by any law for the time being in force or by any rules or orders relating to an All-India Service made by the Secretary of State in Council, no person shall, without the previous sanction of the Secretary of State in Council, be appointed to any post borne on the cadre or reserved for members of an All-India Service except a person who is a member of such Service or is already substantively holding a post borne on the cadre or reserved for a member of such Service.

Govern ment of India's decision.—See Government of India's decision below rule 25 of these rules.

Audit Instruction.—See Audit Instruction (2) below rule 25 of these rules.

[1] C. S. (C. C. A.) R. 28. Notwithstanding anything in Rule 27 of these rules or in Rule VII of the Civil Services (Governor's Provinces) Classification Rules, the previous sanction of the Secretary of State in Council to the appointment of a person who is not a member of the Indian Service of Engineers to a divisional post in the Public Works Department of Madras, Bombay, [2][Bihar and Orissa] and Assam or in the Irrigation Branches of that Department in Bengal, the United Provinces, the Punjab, Burma [3][* * * *] and the Central Provinces, shall not be required, unless the total number of such posts in the province or branch concerned is less than the number of officers of that service who hold the rank of Executive Engineer, but excluding from the former number any extra-departmental posts which are not actually in operation and from the latter any officers who are unavailable owing to their being on leave or deputation or to their officiating in higher appointments.

Government of India's decision.—See Government of India's decision below rule 25 of these Rules.

Part IV.—Central Services, Class I.

C. S. (C. C. A.) R. 29. All first appointments to the Indian Ecclesiastical Department shall be made by the Secretary of State in Council.

The Governor General in Council may appoint a member of the Indian Civil Service or an officer holding the King's Commission in the Indian Army, or, for special reasons and with the prior approval of the Secretary of State in Council, a member of any other All-India Service to the Indian Political Department :

Provided that all other first appointments to the Indian Political Department shall be made by the Secretary of State in Council.

C. S. (C. C. A.) R. 30. Save as provided by Rule 29, all first appointments to the Central Services, Class I, shall be made by the Governor-General in Council.

C. S. (C. C. A.) R. 31. (1) Rules regulating the methods of recruitment to the Indian Ecclesiastical Establishment and the Indian Political Department [4][* * * *] shall be made by the Secretary of State in Council.

(2) Save as provided in sub-rule (1), the power to make rules regulating the methods of recruitment to the Central Services, Class I, is hereby delegated to the Governor-General in Council.

[5]C. S. (C. C. A.) R. 32. (1) The strength, including both the number and character of posts, of the Indian Ecclesiastical Establishment and the Indian Political Department shall be determined by the Secretary of State in Council, or in accordance with any rules made in this behalf by the Secretary of State in Council :

[1] This rule has effect from the 22nd December 1920.
[2] [] Inserted with effect from the 1st April 1933.
[3] [] Deleted with effect from the 1st April 1933.
[4] [] Omitted with effect from the 1st November 1932.
[5] This revised rule has effect from the 1st November 1932.

Provided that, subject to the limitations specified in Rule 10, the Governor-General in Council may make temporary additions to the cadres of the Indian Ecclesiastical Establishment or the Indian Political Department for the performance of any duties of a temporary character.

(2) Save as provided in sub-rule (1), the power to make rule to determine the strength including both the number and character of posts, of the Central Services, Class I, is hereby delegated to the Governor-General in Council:

Provided that any modification of cadre which would adversely affect a person appointed by the Secretary of State in Council to any Central Service, Class I, shall require the previous sanction of the Secretary of State in Council.

C. S. (C. C. A.) R. 33. [1](1) Rules regulating the conditions of service, the pay and allowances and the pensions of officers of the Indian Ecclesiastical Establishment and the Indian Political Department, rules regulating the pensions of members of the Central Services, Class I, appointed by the Secretary of State in Council and rules regulating the pensions of members of the Central Services, Class I, in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor-General or of a Governor shall be made by the Secretary of State in Council.

Provided that nothing in this rule shall invalidate any delegation of the power to make rules which was made before these rules came into force.

(2) Save as provided in sub-rule (1), the power to make rules regulating the conditions of service, the pay and allowances, and the pensions of members of the Central Services, Class I, is hereby delegated to the Governor General in Council.

Part V.—Central Services, Class II.

C. S. (C. C. A.) R. 34. All first appointments to the Central Services, Class II, shall be made by the Governor General in Council or by an authority empowered by the Governor-General in Council in this behalf.

C. S. (C. C. A.) R. 35. The power to make rules regulating the methods of recruitment to the Central Services, Class II, is hereby delegated to the Governor-General in Council.

C. S. (C. C. A.) R. 36. The power to make rules to determine the strength, including both the number and character of posts, of the central Services, Class II, is hereby delegated to the Governor-General in Council.

C. S. (C. C. A.) R. 37. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of members of the Central Services, Class II, is hereby delegated to the Governor-General in Council.

[1] This revised sub-rule has effect from the 25th April 1933.

[1][Provided that rules regulating the pensions of members of such services in respect of any period of office as Member or Temporary Member of the Executive Council of the Governor-General or of a Governor shall be made by the Secretary of State in Council.]

Provided also that rules regulating the pensions of members of a Central Service, Class II, appointed by the Secretary of State in Council shall be made by that authority.

Part VI.—Provincial Services.

C. S. (C. C. A.) R. 38. All first appointments to a Provincial Service shall be made by the Local Government or by an authority empowered by the Local Government in this behalf :

Provided that the previous sanction of the Governor-General in Council shall be required to—

(a) the appointment to a Provincial Service of any person who is not either a British subject or the subject of a State in India ;

(b) the making of an appointment to a Provincial Service which will adversely affect any person who was a member of such service on the 9th day of March 1926 ;

(c) the making of first appointments to a Provincial Service otherwise than (i) by transfer or promotion from another provincial service, whether in the same or in a different province, or by promotion from a sub-ordinate service, or (ii) on the result of a competitive examination, or (iii) after consulting a permanent Board of Selection appointed by the Local Government or a Commission established by a law made under the authorisation conferred by Rule 13 or the Public Service Commission established in accordance with the provisions of section 96C of the Government of India Act, or (iv) in accordance with arrangements approved by the Governor-General in Council ; and

(d) the fixing of standards for admission to any existing Provincial Service, lower than the standards regulating admission to that service on the 9th day of March 1926.

C. S. (C. C. A.) R. 39. Subject to the provisions of Rule 38, the power to make rules regulating the method of rectuitment to Provincial Services is hereby delegated to the Local Governments of Governors' Provinces.

C. S. (C. C. A.) R. 40. (1) The power to make rules to determine the strength, including both the number and character of posts, of a Provincial Service in any Governor's Province is hereby delegated to the Local Government :

[1][] This proviso has effect from the 1st November 1932.

Provided that no increase of such posts, if it would adversely affect any person who was a member of the corresponding All-India Service on the 9th day of March 1926, shall be made without the previous sanction of the Secretary of State in Council :

Provided also that a reduction in the number of posts in a Provincial Service, if it would adversely affect any person who was a member of such service on the 9th day of March 1926, shall not be made without the previous sanction of the Governor-General in Council.

(3) For the purposes of this rule and of rule 38, a person who was, on the 9th day of March 1926, holding in an officiating or provisionally substantive capacity a post belonging to a particular service and has been subsequently confirmed in such post without having reverted therefrom, shall be deemed to have been a member of that service on that date.

C. S. (C. C. A.) R. 41. The power to make rules regulating the conditions of service, the pay and allowances, and the pensions of a Provincial Service in any Governor's Province is hereby delegated to the Local Government :

[1] Provided that rules regulating—

(a) the pay of members of such Services while officiating in Posts borne on the cadre of an All-India Service ; or

(b) the pensions of members of such Services in respect of any period of office as a Member or Temporary Member of the Executive Council of the Governor-General or of a Governor ; or

(c) the pensions of members of such Services who were appointed by the Secretary of State in Council,

shall be made by the Secretary of State in Council.

Part VII.—Specialist Services.

C. S. (C. C. A.) R. 42. The Governor-General in Council and the Local Government of a Governor's Province may determine the posts to be held by members of the Specialist Services, and may appoint persons to hold them, and may make rules prescribing the conditions of service, the pay and allowances, and the pensions, if any, of the incumbents of such posts :

Provided that rules regulating the pensions of members of a Specialist Service appointed by the Secretary of State in Council shall be made by that authority.

Provided also that no such post, if its creation would adversely affect any member of an all-India Service or of a service specified in [2][* * *] Rule 29, [3][or any member of the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department appointed by the Secretary of State in Council] shall be created without the previous sanction of the Secretary of State in Council.

[1] This revised proviso has effect from the 1st November 1932.

[2] [] Deleted with effect from the 1st November 1932.

[3] [] Inserted with effect from the 1st November 1932.

Part VIII.—Saving for Military Officers.

C. S. (C. C. A.) R. 43. Notwithstanding anything contained in Part IV, Part V, Part VI, Part VII [1][or Part XII]—

(a) rules regulating the methods of recruitment of officers (other than officers of the Indian Medical Department) holding the King's Commission on the active list of the Regular Army, [1][the Royal Air Force] and the [2][Royal Indian Navy] to any Central Service, Class I or Class II, or to any Provincial Service, and rules regulating the conditions of service, the pay and allowances and the pensions [1][and the conduct] of such officers in any such service or in any Specialist Service shall be made by the Secretary of State in Council ;

[1][Provided that nothing in this clause shall invalidate any delegation of the power to make rules which was made before these rules came into force.]

(b) the number and character of posts for the time being filled by such officers in any Central, Provincial or Specialist Service shall not be altered without the previous sanction of the Secretary of State in Council ;

Provided that, subject to the limitations specified in Rule 10, the Governor-General in Council or Local Government may add temporarily to the number of such posts for the performance of duties of a temporary nature.

Part IX.—Subordinate Services.

C. S. (C. C. A.) R. 44. The power to make rules providing for the following matters in respect of subordinate services under the administrative control of a Government is hereby delegated to such Government, namely ;

(a) the making of first appointments,

(b) the methods of recruitment,

(c) the number and character of posts, and

(d) conditions of service, pay and allowances and pensions.

Government of India's decisions—

(1) The Governor General in Council is pleased to direct that Chief Commissioners shall cease to exercise the functions authorised by clause (*d*) of rule 44 of the Civil Services (Classification, Control and Appeal) Rules.

Provided that nothing in this direction shall render invalid a rule made by a Chief Commissioner before the day upon which this direction

[1] [] Inserted with effect from the 1st November 1932.

[2] [] Substituted for the words " Royal Indian Marine " with effect from the 3rd September 1935.

is made ; provided further that nothing in this direction shall remove from a Chief Commissioner the authority, subject to any law to the contrary and subject to the restrictions imposed from time to time by the Book of Financial Powers, or in the case of Coorg, by the Secretary of State's Despatch No. 41—Financial, dated the 12th August 1926 to fix, increase or reduce the pay attaching to any post.

[G. I., H. D. Notification No. 9/8/38, dated the 22nd February 1939.]

(2) The Governor General in Council is pleased, in partial modification of the notification of the Government of India in the Home Department, No. 9/8/38-Ests., dated the 22nd February 1939, to authorise the Chief Commissioner, Panth-Piploda, to make rules regulating the conditions of service of all persons subordinate to the said Chief Commissioner and serving in connection with the affairs of the said Province.

Provided that no rule which seeks or purports to grant any privilege or concession not admissible to other servants of the Central Government under the rules made or deemed to be made by the Governor General in Council and for the time being in force, shall be made without the prior sanction of the Governor General in Council.

[G. I., H. D. Notification No. 9/8/38, Ests., dated the 23rd September 1940.]

Part X.—Transfers to Foreign Service.

C. S. (C. C. A.) R. 45. (1) No rule made under the power delegated by sub-rule (2) of rule 33, rule 37, rule 41, rule 42 or rule 44 shall permit of a transfer of any person to foreign service without his consent.

(2) No rule made under the power delegated by rule 41, rule 42 or rule 44 shall permit of—

(a) the transfer of any person to foreign service outside India or (in the case of a transfer by the Madras Government) to foreign service outside India or Ceylon save with the previous sanction of the Governor General in Council ;

(b) the transfer of any person to foreign service in a State in India save in accordance with such restrictions as the Governor-General in Council may from time to time impose.

Government of India's decision.—See Government of India's decision below F. R. 110 in Section III of this Volume.

Part XI.—Special Provisions by agreements.

C. S. (C. C. A.) R. 46. (1) When in the opinion of the controlling authority special provisions inconsistent with any of [1][these] rules or of any rules made thereunder are required in respect of conditions of service, pay and allowances, [1][pension, discipline and conduct with reference to] any particular post, or any of them, it shall be open to the controlling authority subject to the provisions of Rule 10, but notwithstanding anything otherwise [1][contained in those rules] to provide by agreement

[1] Substituted with effect from the 1st November 1932.

with the person appointed to such post for any of the matters in respect of which in the opinion of the controlling authority special provisions are required to be made, and to the extent to which such provisions are made in the agreement nothing in [1][these] rules or in any rules made thereunder shall apply toany person so appointed in respect of any matter for which provision is made in the agreement :

Provided that in every agreement made in exercise of the power conferred by this rule by any controlling authority it shall further be provided that in respect of any matter in respect of which no provision has been made in the agreement the provisions of [1][these] rules or of rules made thereunder shall apply.

(2) When in a case to which sub-rule (1) applies the controlling authority is an authority other than the Secretary of State in Council, it shall be open to the controlling authority, in lieu of exercising the power conferred by sub-rule (1), to request the Secretary of State in Council to enter into an agreement of the nature referred to in sub-rule (1), and it shall be open to the Secre'ary of State in Council on receipt of such request to enter into such agreement, whereupon all the provisions of sub-rule (1) shall apply in like manner as they apply in the case of an agreement entered into by the controlling authority.

(3) Any agreement of the nature referred to in sub-rule (1) or sub-rule (2) may provide that the person with whom it is made shall not, save in circumstances stated in the agreement, be dismissed otherwise than on payment to him of compensation by the controlling authority or the Secretary of State, as the case may be.

[*For Model forms of Agreement for officers under the rule making control of the Governor General in Council see Appendix 27 in Vol. II of this Compilation.*]

Government of India's decision.— See Item (1) of the Government of India's decisions below Rule 9 of these rules.

Part XII.—Conduct and Discipline.

C. S. (C. C. A.) R. 47. Rules regarding the conduct of members of the All-India Services and of the Indian Political Department and the Indian Ecclesiastical Establishment shall be made by the Secretary of State in Council. The Secretary of State in Council may declare that these rules, or any of them, with or without modification, shall be applicable to any other service.

C. S. (C. C. A.) R. 48. (1) The Governor General in Council may make rules to regulate the conduct of members of the Central Services, Classes I and II (except the Indian Political Department and the Indian Ecclesiastical Establishment), of the Specialist services and of the Subordinate Services under his administrative control.

(2) The Local Government of a Governor's Province may make rules to regulate the conduct of members of the Provincial Services, Specialist Services and Subordinate Services, under its administrative control.

[1]]Substituted with effect from the 1st November 1937

[1](3) No rule made in exercise of the power delegated by this rule shall contravene any provision contained in any rules made by the Secretary of State in Council—

(a) under clause (a) of Rule 43 ; or

(b) which may be declared under Rule 47 to be applicable to the service concerned.

C. S. (C. C. A.) R. 49. The following penalties may, for good and sufficient reason and as hereinafter provided, be imposed upon members of the services comprised in any of the classes (1) to (5) specified in Rule 14, namely :—

(i) Censure.

(ii) Withholding of increments or promotion, including stoppage at an efficiency bar.

(iii) Reduction to a lower post or time-scale, or to a lower stage in a time-scale.

(iv) Recovery from pay of the whole or part of any pecuniary loss caused to Government by negligence or breach of orders.

(v) Suspension.

(vi) Removal from the civil service of the Crown, which does not disqualify from future employment.

(vii) Dismissal from the Civil service of the Crown, which ordinarily disqualifies from future employment.

Explanation.—The discharge—

(a) of a person appointed on probation, during the period of probation,

(b) of a person appointed otherwise than under contract to hold a temporary appointment, on the expiration of the period of the appointment,

(c) of a person engaged under contract, in accordance with the terms of his contract,

does not amount to removal or dismissal within the meaning of this rule.

Government of India's decisions.—

(1) The discharge of a person appointed to hold a temporary appointment before the expiration of the period of his appointment, not being within the scope of clause (*b*) of the Explanation to Rule 49, amounts to removal or dismissal within the meaning of Rule 49, and is therefore appealable under rule 56(*a*).

[G.I., H.D. letter No. F.-9/1/30-Ests., dated the 22nd November 1930.]

(2) In a case where it was ordered that an officer should not be allowed to officiate again in a selection post until he had earned at least

[1]This sub-rule has effect from the 1st November 1932.

two really good reports in his substantive appointment, the question arose whether the order amounted to the infliction of any of the penalties mentioned in Rule 49 or whether it amounted merely to non-selection for a selection post.

It has been observed by the Government of India that the distinction between censure, the withholding of promotion and non-selection for a selection post is of considerable importance. Both censure and the withholding of promotion are appealable under rule 56. On the other hand, non-selection for a selection post is not appealable.

If an officer, because of an unsatisfactory record and unfavourable confidential reports, is not selected for a selection post and some other officer junior to him is selected in preference, this does not amount to the withholding of promotion. If any enquiry is held against an officer and an order of censure is passed on him, it is open to him to appeal; if he does not appeal or his appeal is rejected, and if subsequently because of the existence of this censure in his record he is not selected for a selection post and some other officer junior to him is selected in preference, this also does not amount to the withholding of promotion. If, however, an enquiry is held against an officer and an order is passed that he should not be promoted to a selection post for a definite period or until he has obtained good reports, this order would amount to the infliction of the penalty of withholding promotion. This distinction between non-selection for a selection post and the withholding of promotion may be summed up as being that in the former case the officer in question is considered for selection but some other officer is preferred on his merits, while in the latter case the officer in question has been declared beforehand, as a disciplinary measure, to be ineligible for selection irrespective of the merits of the other officers available.

[G.I., H.D. Memorandum No. F.-9/16/36-Ests., dated the 4th September 1936.]

(3) (*i*) While reduction of seniority as an independent penalty is not provided for in Classification Rule 49 or Rule 3 of the Subordinate Services Rules and cannot be imposed as such, the loss of seniority as a result of an order of reduction to a lower post or time-scale, being inherent in the order of reduction, cannot be avoided.

(*ii*) The seniority or repromotion of an officer reduced to a lower post or time scale should be determined by the date of such repromotion or with reference to pay at the time of repromotion, in accordance with the orders issued by the competent authority on the subject of seniority. Such an officer should not be restored to his original position unless this is specifically laid down at the time the order of punishment is passed or revised on appeal.

(*iii*) An officer in respect of whom one of the penalties included in Classification Rule 49 (*iii*) was imposed will on repromotion count previous service in the higher grade under F. R. 22 unless the order of punishment or the order passed on appeal directs otherwise.

(*iv*) An order debarring an officer from counting his past service in the grade from which he is reduced, if and when reappointed to it, amounts to an order of reduction to a stage of that grade lower than that admissible under F. R. 22, and does not, therefore, fall outside the scope of rule 3 of the rules published with the Home Department notification No. F. 9-19/30-Ests. I, dated the 27th February 1932 or rule 49 of the Civil Services (Classification, Control and Appeal) Rules.

[Central Board of Revenue letter No. R. Dis. No. 342-Adm. (Salt)/39, dated the 4th October 1940; G.I., F.D. Endrst. No. D. 3837-Ex. I/40, dated the 23rd October 1940, copies received with Auditor-General's endorsement No. 365-A/78-40, dated the 7th November 1940.]

(4) Unauthorised desertion of his post by a public servant in the face of enemy action or threat of enemy action clearly amounts to grave misconduct and would therefore constitute a 'good and sufficient' reason within the meaning of Rule 49 of Civil Services (Classification, Control and Appeal) Rules for removal or dismissal, in addition to any penalty provided in the Essential Services (Maintenance) Ordinance. Loss of pension would then follow automatically in virtue of the provisions of Article 353 of the Civil Services Regulations and it would also be possible to forfeit the Government contribution, if any, to the individual's Provident Fund.

The Government of India propose to follow this procedure so far as concerns members of Services under their own control and will recommend similar action to the Secretary of State in the case of Services under his control.

[G.I., H.D. Office Memorandum No. 156/42-Ests., dated the 10th July 1942 and G.I., F.D. Endorsement No. D.-9515-W. I/42, dated the 24th July 1942, copies received under Auditor-General's Endorsement No. 1434-NGE/338-42, dated the 8th August 1942.]

C. S. (C. C. A.) R. 50. No member of an All-India Service, and no person holding the King's Commission on the active list of Regular Army, the Royal Air Force, the [1][Royal Indian Navy] or on the Supernumerary List of the Indian Army or appointed by the Secretary of State in Council shall be removed or dismissed except by order of the Secretary of State in Council.

Secretary of State's decision.——For rules regulating the acceptance by the Government of India of applications for retirement or resignation from officers appointed by the Secretary of State or by the Secretary of State in Council see the India Office letter No. S. & G. 3356/38 dated the 24th June 1938 circulated with the Government of India Home Department letter No. 54/5/38-Ests., dated the 3rd April 1939 to all Provincial Governments.

[G.I., F.D. Endorsement No. F.-6 (26)-R. II/39, dated the 11th May 1939.]

C. S. (C. C. A.) R. 51. No Officer holding the King's Commission on the active list of the Regular Army and the [1][Royal Indian Navy] or on the

[1][] Substituted for the words "Royal Indian Marine" with effect from the 3rd September 1935.

Supernumerary List of the Indian Army shall be reverted from his civil employment except by order of the Governor-General in Council.

C. S. (C. C. A.) R. 52. Subject to the provisions of these rules, the Governor-General in Council or the Local Government of a Governor's Province may impose—

(a) any of the penalties specified in clauses (i) to (v) of Rule 49 on any person included in any of the classes (1) to (5) specified in Rule 14 who is serving under the administrative control of the Governor General in Council or the Local Government, as the case may be,

(b) the penalty specified in clause (vi) or in clause (vii) on any such person not being one of those referred to in Rule 50.

C. S. (C. C. A.) R. 53. Subject to such conditions, if any, as he may prescribe, the Governor-General in Council may delegate—

(a) to a Chief Commissioner his power to impose any of the penalties specified in clauses (i) to (v) of Rule 49 on members of services under the administrative control of the Chief Commissioner,

(b) to any authority subordinate to him his power to impose any of the penalties specified in clauses (i) to (v) of that rule on members of Specialist Services,

(c) to any authority subordinate to him his power to impose any of the penalties specified in that rule on members of a Central Service, Class II.

C. S. (C. C. A.) R. 54. The power to make rules prescribing the penalties that may be imposed on members of Subordinate Services under the administrative control of a Government, the authorities which may impose such penalties, the appeals which may be preferred from orders imposing such penalties, the conditions subject to which and the authorities by which such orders may be reversed or altered in cases in which no appeal lies or in which no appeal is preferred, is hereby delegated to such Government:

Provided that, when such rules empower a subordinate authority to impose a penalty, provision shall be made in the rules for at least one appeal to a higher authority from an order imposing such penalty.

C.S. (C.C.A.) R. 55. Without prejudice to the provisions of the Public Servants Inquiries Act, 1850, no order of dismissal, removal or reduction shall be passed on a member of a Service (other than an order based on facts which have led to his conviction in a criminal court [1][or by a Court Martial]) unless he has been informed in writing of the grounds on which it is proposed to take action, and has been afforded an adequate opportunity of defending himself. The grounds on which it is proposed to take action shall be reduced to the form of a definite charge or charges, which shall be

[1][] Inserted by G.,I., H. D., Notification No. 9/13/45-Ests., dated the 20th October 1945

communicated to the person charged together with a statement of the allegations on which each charge is based and of any other circumstances which it is proposed to take into consideration in passing orders on the case. He shall be required, within a reasonable time, to put in a written statement of his defence and to state whether he desires to be heard in person. If he so desires or if the authority concerned so direct, an oral inquiry shall be held. At that inquiry oral evidence shall be heard as to such of the allegations as are not admitted, and the person charged shall be entitled to cross-examine the witnesses, to give evidence in person and to have such witnesses called as he may wish, provided that the officer conducting the inquiry may, for special and sufficient reason to be recorded in writing, refuse to call a witness. The proceedings shall contain a sufficient record of the evidence and a statement of the findings and the grounds thereof.

This rule shall not apply where the person concerned has absconded, or where it is for other reasons impracticable to communicate with him. All or any of the provisions of the rule may, in exceptional cases, for special and sufficient reasons to be recorded in writing, be waived, where there is a difficulty in observing exactly the requirements of the rule and those requirements can be waived without injustice to the person charged.

Governor-General in Council's Rule—Rule 55 above shall not apply when it is proposed to order the dismissal or removal from service of any Government servant subject to the rule making control of the Governor General in Council on the ground of misconduct which having been committed outside India during the war period (that is, between the 3rd September 1939 and 31st March 1946) has been investigated by a military court of enquiry or other military tribunal. In every such case as aforesaid it shall be sufficient for the authority competent to order the dismissal or removal from service of the Government servant to furnish him with a copy of the finding of the military court of enquiry or other military tribunal on the basis of which it is proposed to take action against him, and give him, in accordance with sub-section (3) of section 240 of the Government of India Act, 1935, a reasonable opportunity of showing cause against that action.

[G. I., H. D. Notification No. 7/1/46-Ests., dated the 23rd May 1946.]

Government of India's decision.—After the enquiry against a Government servant has been completed and after the punishing authority has arrived at provisional conclusions in regard to the penalty to be imposed, the accused officer should, if the penalty proposed is dismissal, removal or reduction, be supplied with a copy of the report of the enquiring authority and be called upon to show cause, within a reasonable time not ordinarily exceeding one month, against the particular penalty proposed to be inflicted. Any representation submitted by the accused in this behalf should be duly taken into consideration before final orders are passed. The same procedure shall be applicable in the case of officers subject to the rule making control of the Secretary of State except that where, in the case of such an officer, the penalty proposed can only be imposed by

the Secretary of State that stage at which he should be called upon to show cause will, until further instructions, be after the provincial or Central Government, as the case be, have received the report of the enquiring authority and have arrived at provisional conclusions in regard to the penalty to be recommended to the Secretary of State. The officer's representation shall form part of the record of the case and shall be transmitted to the Secretary of State for his consideration.

[G.I., H.D. letter No. 135/45-Ests., dated the 24th July 1945 and G.I., F.D. Endorsement No. F.20 (35)-Ex. II/42, dated the 23rd August 1945 copies received under Ar. G's. Endorsement No. 361-A/284-41, dated the 8th September 1945.]

Part XIII.—Appeals.

C.S. (C.C.A.) R. 56. Every person included in one of the classes (1) to (5) specified in Rule 14 shall be entitled to appeal, as hereinafter provided, from an order passed by an authority in India—

(a) imposing upon him any of the penalties specified in Rule 49 ;

(b) discharging him in accordance with the terms of his contract if—

(i) he has been engaged on a contract for a fixed or for an indefinite period and has rendered under either form of contract continuous service for a period exceeding five years at the time when his services are terminated ; or

(ii) he comes under the provision of Rule 58 (3) ;

[1](c) reducing or withholding the maximum pension, including an additional pension, admissible to him under the rules governing pensions:

Provided that a person appointed by the Governor-General in Council shall have no right of appeal from an order passed by the Governor-General in Council.

C.S. (C.C.A.) R. 57. (1) A member of an All-India Service may appeal from the order of a Local Government to the Governor General in Council and from an order, original or appellate, of the Governor-General in Council to the Secretary of State in Council.

(2) A member of a Central Service who was appointed by the Secretary of State in Council, or is an officer holding the King's Commission on the active list of the Regular Army, [2][the Royal Air Force] or the [3][Royal Indian Navy] and a member of a Specialist Service under the administrative control of the Governor-General in Council who was appointed by the Secretary of State in Council, may appeal from an order passed by an authority subordinate to the Governor-General in Council (which expression in this rule includes a Chief Commissioner) to the Governor-General

[1]Inserted by G.I., H.D. Notification No. 195/37, dated the 30th May 1938.

[2][] Inserted with effect from the 1st November 1932.

[3][] Substituted for the words "Royal Indian Marine" with effect from the 3rd September 1935.

in Council, and from an order, original or appellate, of the Governor-General in Council to the Secretary of State in Council.

(3) A member of a Central Service appointed by the Governor-General in Council, or a member of a Specialist Service appointed by the Governor-General in Council, may appeal to the Governor-General in Council from an order passed by an authority subordinate to the Governor-General in Council.

(4) A member of a Central Service appointed by an authority subordinate to the Governor-General in Council may appeal to such authority from an order passed by an authority subordinate to it, and to the Governor-General in Council from an original order passed by the authority which appointed him.

(5) A member of a Provincial Service, or a member of a Specialist Service under the administrative control of the Local Government of a Governor's Province, may appeal to the Governor from an order passed by the Local Government :

Provided that any such person who was appointed by the Secretary of State in Council shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor-General in Council, and, if his pay as defined in the Fundamental Rules is not less than Rs. 500 per mensem, thereafter to the Secretary of State in Council :

Provided also that any Deputy Collector to whom the provisions of section 25 of Bengal Regulation IX of 1833 apply shall be entitled as an alternative to the appeal to the Governor to appeal to the Governor-General in Council.

[1][Provided also that any officer holding the King's Commission on the Active List of the Regular Army, the Royal Air Force or the [2](Royal Indian Navy) may appeal to the Governor-General in Council, and thereafter to the Secretary of State in Council].

[3][(6) * * *].

C.S. (C.C.A.) R. 58. (1) Every member of a service other than a subordinate service shall be entitled to appeal to the authority hereinafter specified against any order passed by an authority subordinate to the said authority which—

(a) alters to his disadvantage his conditions of service, pay, allowances or pension as regulated in rules or in a contract of service, or

(b) interprets to his disadvantage the provisions of any rules or contract of service whereby his conditions of service, pay, allowances or pension are regulated.

(2) The authority hereinbefore referred to shall be the authority which made the rule to which the order under appeal relates, or in the case of an appeal relating to a contract of service, the authority which appointed the

[1][] Inserted with effect from the 1st November 1932.

[2][] Substituted for the words " Royal Indian Marine " with effect from the 3rd September 1935.

[3][] Omitted with effect from the 1st November 1932.

appellant : Provided that where the rule or the appointment was made by the Local Government of a Governor's Province the appeal shall lie to the Governor.

(3) Every person appointed by the Secretary of State in Council shall be entitled to appeal to the Secretary of State in Council against an order of any subordinate authority terminating his employment or giving notice of such termination otherwise than on his reaching the age of superannuation.

C. S. (C.C.A.) R. 59. In the case of an appeal against an order imposing any penalty specified in Rule 49, the appellate authority shall consider—

(a) whether the facts on which the order was based have been established ;

(b) whether the facts established afford sufficient ground for taking action ; and

(c) whether the penalty is excessive, adequate, or inadequate ;

and after such consideration shall pass such order as it thinks proper.

C. S. (C.C.A.) R. 60. In the case of an appeal against an order under Rule 58, the appellate authority shall pass such order as appears to it just and equitable, having regard to all the circumstances of the case.

C. S. (C.C.A.) R. 61. An authority from whose order an appeal is preferred under these rules shall give effect to any order made by the appellate authority.

C. S. (C.C.A.) R. 62. Every person preferring an appeal shall do so separately and in his own name.

C.S. (C.C.A.) R. 63. Every appeal preferred under these rules shall contain all material statements and arguments relied on by the appellant, shall contain no disrespectful or improper language, and shall be complete in itself. Every such appeal shall be submitted through the head of the office to which the appellant belongs or belonged and through the authority from whose order the appeal is preferred.

C. S. (C.C.A.) R. 64. An appeal may be withheld by [1][an authority not lower than the authority from whose order it is preferred] if—

(1) it is an appeal in a case in which under these rules no appeal lies, or

(2) it does not comply with the provision of Rule 63, or

(3) it is not preferred within six months after the date on which the appellant was informed of the order appealed against, and no reasonable cause is shown for the delay, or

(4) it is a repetition of a previous appeal and is made to the same appellate authority by which such appeal has been decided, and no new facts or circumstances are adduced which afford grounds for a reconsideration of the case.

[1][] Substituted for the words " a Local Government or the Governor-General in Council" with effect from the 28th May 1935.

[1](5) it is addressed to an authority to which no appeal lies under these rules,

Provided that in every case in which an appeal is withheld the appellant shall be informed of the fact and the reasons for it :

Provided also that an appeal withheld on account only of failure to comply with the provisions of Rule 63 may be resubmitted at any time within one month of the date on which the appellant has been informed of the withholding of the appeal, and, if resubmitted in a form which complies with those provisions, shall not be withheld.

C.S. (C.C.A.) R. 65. No appeal shall lie against the withholding of an appeal by a competent authority.

C.S. (C.C.A.) R. 66. (1) Every appeal from a person serving under a Local Government to the Governor-General in Council or the Secretary of State in Council which is not withheld under these rules shall be forwarded by the Local Government to the Governor-General in Council with an expression of opinion. Every appeal to the Secretary of State in Council which is received by the Governor-General in Council from a Local Government or from the head of a department under the Governor General in Council and which is not similarly withheld shall be transmitted by the Governor-General in Council with an expression of his opinion.

[2][* * * *]

[3](2) Save as provided in sub-rule (1), every appeal which is not withheld under these rules shall be forwarded to the appellate authority by the authority from whose order the appeal is preferred with an expression of opinion.

C.S. (C.C.A.) R. 67. (1) The Local Government shall forward quarterly to the Governor-General in Council a list of appeals to the Governor-General in Council or the Secretary of State in Council which have been withheld by the Local Government together with the reasons for withholding the same. The Governor-General in Council shall in the same manner forward quarterly to the Secretary of State a list of appeals to the Secretary of State in Council which have been withheld by a Local Government or by the Governor-General in Council.

[3](2) Save as provided in sub-rule (1), a list of appeals withheld under rule 64, with the reasons for withholding them, shall be forwarded quarterly by the withholding authority to the appellate authority.

[4]C.S. (C.C.A.) R. 68. An appellate authority may call for any appeal admissible under these rules which has been withheld by a subordinate authority and may pass such orders thereon as it considers fit.

[1] Introduced with effect from the 1st September 1936.

[2][]Deleted with effect from the 12th July 1932.

[3]This sub-rule has effect from the 28th May 1935.

[4]This revised rule has effect from the 28th May 1935.

C.S. (C.C.A.) R. 69. Nothing in these rules shall operate to deprive any person of any right of appeal, which he would have had if these rules had not been made, in respect of any order passed before they came into force. An appeal pending at the time when, or preferred after, these rules came into force shall be deemed to be an appeal under these rules, and rules 59 or 60 (as the case may be) and 61 shall apply as if the appeal were against an order appealable under these rules.

SCHEDULE I.—ALL-INDIA SERVICES.

(*See* Rule 15.)

(1) Indian Civil Service.
(2) Indian Police [1][*].
(3) Indian Agricultural Service.
(4) Indian Educational Service.
(5) Indian Forest Service.
(6) Indian Forest Engineering Service.
(7) Indian Medical Service (Civil).
(8) Indian Service of Engineers.
(9) Indian Veterinary Service.
(10) Indian General Service.

SCHEDULE II.—CENTRAL SERVICES, CLASS

(*See* Rule 16.)

(1) Indian Audit and Accounts Service.
(2) Central Engineering Service (Class I).
(3) Imperial Customs Service.
(4) Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.
(5) Indian Posts and Telegraphs Traffic Service (Class I).
(6) Geological Survey of India (Class I).
(7) Indian Meteorological Service (Class I).
(8) Mines Department (Class I).
(9) Archaeological Department.
(10) Zoological Survey of India.
(11) Survey of India, Class I.
(12) Indian Ecclesiastical Establishment.
(13) Political Department of the Government of India.

[1][] Deleted with effect from the 28th February 1933.

(14) Medical Research Department (excluding Indian Medical Service Officers).

(15) Opium Department (excluding officers who joined the Department after the 2nd April 1907).

(16) Bengal Pilot Service.

(17) Income-tax Service (Class I).

(18) The Mercantile Marine Training Ship Service (Class I).

(19) Imperial Secretariat Service, Class I.

[1](19-A) Central Revenues Chemical Service (Class I).

[2](19-B) Railway Inspectorate Service.

(20) General Central Service (Class I).

Government of India's orders.—The 'Indian Posts and Telegraphs Traffic Service (Class I)' mentioned in item 5 above includes the following posts in the Indian Posts and Telegraphs Department :—

(*i*) Director General.

(*ii*) Deputy Director General.

(*iii*) Postmaster General.

(*iv*) Deputy Postmaster General.

(*v*) Assistant Director General.

(*vi*) Presidency Postmaster.

(*vii*) Postmaster, Rangoon.

(*viii*) Superior Traffic Branch, 1st Division.

[G.I., I. & L. D. letter No. S.A.-101 (1), dated the 4th August 1931.]

[1]As amended by G.I., H.D. Notification No. 9/B/38, dated the 20th July 1938.

[2]Introduced with effect from the 12th May 1941.

SECTION II.

FUNDAMENTAL RULES.

(Applicable to members of services under the rule-making control of the Secretary of State in Council.)

SECTION II.

FUNDAMENTAL RULES.

Applicable to members of services under the rule-making control of the Secretary of State in Council.

Made by the Secretary of State in Council under section 96 B of the Government of India Act and amended by that authority from time to time.

PART I.

Chapter I.—Extent of Application.

F.R.1. These rules may be called the fundamental rules. They shall come into force with effect from the 1st January 1922.

F.R.2. (1) The fundamental rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation to services under its administrative control, other than all-India services, a local Government may make rules modifying or replacing any of the fundamental rules ; provided that :—

(a) No such rule shall adversely affect any person who is in Government service at the time when the fundamental rules come into force, and

(b) any such rule which grants any privilege or concession not admissible under the terms of the fundamental rules, or of the Civil Service Regulations as they stand at the time when the fundamental rules are introduced, shall require the sanction of the Secretary of State in Council.

[1](2) Where the application of any Rule in the Fundamental Rules is expressly or by implication limited by the provisions of any Rule made under Section 45-A of the Act, the limitation shall prevail and the rule in the Fundamental Rules shall be subject to the rule made under Section 45-A of the Act.

Government of India's orders.—On the issue of the Civil Services (Classification, Control and Appeal) Rules, the Fundamental Rules will remain applicable only to the all-India services and certain other superior services.

(G.I., F.D., letter No. F. 48-R. I/28, dated 26th March 1928.)

F.R.3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

[1]This sub-rule has effect from the 9th July 1935.

F.R.4. The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner [1][and to the Governor of the North-West Frontier Province in his capacity as Agent to the Governor-General.]

Government of India's interpretation.—The expression " under their administrative control " in this rule includes services controlled by Governors in Council as agents of the Governor General in Council.

[Para. 3 of G.I., F.D. No. 1079-C.S.R., dated 26th October 1921.]

Government of India's Orders.—Fundamental Rule 4 states that local Governments may exercise powers granted to them by the Fundamental Rules in relation to those Government servants only who are under their administrative control. Officers of Central Services who serve under the administrative control of local Governments acting as agents, are under the control of those Governments for the purpose of Fundamental Rule 4. It will of course be open to the Central Government, in its capacity as principal, to issue instructions to its agents as to the way in which they should exercise their powers in this connection ; and it is possible that the Government of India may find it necessary to issue such orders hereafter. When making rules affecting officers of Central Services the local Government should pay due attention to the proviso to sub-section (2) of section 96 B of the Government of India Act under which all Government servants appointed before the Act came into force are protected in the enjoyment of their existing and accruing rights.

[G.I., F.D. No. 1406-E.B., dated 22nd December 1921.]

F.R.5. The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his executive council and ministers sitting together, but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made.

Government of India's Order.—This rule is merely a rule of procedure. It refers to the power to make rules or general orders conferred upon local Governments by any of these rules. The words " rules or general orders " are used deliberately. Thus Fundamental Rule 44 grants power to make rules, while Fundamental Rule 119 grants power to pass general orders.

[1]] This clause has effect from the 18th April 1932.

The whole of the powers of a local Government to regulate travelling allowance are derived from Fundamental Rule 44. Fundamental Rule 5 does not confer any additional power to pass a general order in respect of travelling allowance.

[G.I., F.D., No. F-74-C.S.R., dated 5th September 1924.]

[1]**F.R. 5A. A Local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders :**

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

F.R.6. A Local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions:—

(a) All powers to make rules ;

(b) the other powers conferred by rules 6, 9(6) (b), 44, 45, 83, 108A, 119, 121 and 127 (c), and by the first proviso to clause, (1) of rule 30.

[*Powers delegated by the Government of India, in its capacity as a Local Government, under different Fundamental Rules, are contained in Appendix No. 4 in vol. II of this compilation .*]

Government of India's decision.—The restrictions to the powers of a Local Government under *old* F.R. 45 now stand in respect of corresponding rules F.R's. 45A and 45B.

G.I., F.D., U.O. No. 3517-R.E., dated 7th October 1930, to A.G., P. & T.]

F.R.7. No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

F.R.8. The power of interpreting these rules is reserved to the Governor General in Council.

[1]This rule has effect from the 29th June 1926.

Chapter II.—Definitions.

F.R. 9. Unless there be something repugnant in the subject or context, the terms defined in this chapter are used in the rules in the sense here explained :—

(1) The *Act* means the Government of India Act.

(2) ***Average Pay*** means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that :—

[1](a) In respect of any period spent on deputation out of India which has been declared by the Governor General in Council to be under *quasi*-European conditions the pay which the Government servant could have drawn if on duty in India shall be substituted for the pay actually drawn.

[2](b) In the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training.

[3](c) The average pay of a military officer who is granted rent-free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

NOTE.—The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe.

(3) ***Barrister*** means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.

[4](4) ***Cadre*** means the strength of a service or part of a service sanctioned as a separate unit.

(5) ***Compensatory allowance*** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of a free passage by sea to or from any place outside India.

[1]This proviso has effect from the 24th May 1927.
[2]This proviso has effect from the 6th March 1928.
[3]This proviso has effect from the 20th December 1927.
[4]This revised clause has effect from the 9th June 1936.

[Secretary of State's Rules regarding grant of free passages have been reproduced in Appendix No. 6.]

(6). *Duty* —(a) Duty includes :—

(i) Service [1][in India] as a probationer or apprentice, provided that such service is followed by confirmation.

(ii) Joining time.

[2](iii) Extra leave on average pay granted to a Government servant undergoing treatment at a Pasteur Institute.

[1][(iv) In the case of an officer of the Indian Civil Service, the Indian Police or the Indian Forest Service recruited overseas the period prior to assumption of duties on first appointment during which he draws pay.]

Secretary of State's Orders.—It was proposed that sub-clause (*iv*) of clause (*a*) of this rule should have effect from the 1st January 1922 ; the Secretary of State has, however, observed that he has no power to give retrospective effect beyond the 1st April 1937, to any amendment of Civil rules, but he is advised that it is not necessary to give retrospective effect to this amendment. All that is necessary is that the Accounts Officers concerned should recalculate the leave accounts of all officers at present in the Service who are affected by this sub-clause, the additional days' leave (if any) being credited now and taken some time in the future.

[Letter from India Office No. F.1977/38, dated the 16th May1938 received with the Government of India, Finance Department Notification No. F.3(3)-R.I/38, dated the 23rd June 1938.]

Auditor General's Ruling.—The effect of introduction of sub-clause (iv) is as follows :—

(*a*) Service for leave in the case of officers of the Indian Civil Service, the Indian Police or the Indian Forest Service recruited overseas will count from the date they begin to draw pay. The pay of these officers commences from the date of disembarkation subject to their proceeding to take up their duties without avoidable delay *vide* orders of the Governor General in Council below Fundamental Rule 17 on pages 162 and 163 of this Compilation.

(*b*) The amendment of the definition of "duty" in the Fundamental Rules does not result in the revision of the balance of leave credited under Fundamental Rule 77 (*b*) in respect of "duty" rendered prior to 1st January 1922 under the Civil Service Regulations.

[1][] Inserted by G.I., F.D. Notification No. F. 3 (3)-R.I/38, dated the 23rd June 1938.

[2]This sub-clause has effect from the 8th September 1936.

(c) For the purpose of the amended rule, officers recruited in India by examination or nomination and sent to England for training should also be treated as officers recruited overseas.

(This ruling issues with the concurrence of the Government of India.)

[Auditor General's letter No. 447-A/52-35, dated the 3rd November 1938.]

(b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school in India, during the interval between the satisfactory completion of the course and his assumption of duties.

(iii) During preparation in India for an examination in any oriental language.

(iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

[1](6-A) *Fee* means a recurring or non-recurring payment to a Government servant from a source other than general revenues whether made directly to the Government servant or indirectly through the intermediary of Government.

[2](7) ***Foreign Service*** means service in which a Government Servant receives his substantive pay with the sanction of Government (a) from any source other than the Revenues of the Governor General in Council or of a province or the Railway Fund (when established) ; or (b) from a company working a State Railway.

(8) ***General Revenues of India*** include the revenues allocated to local Governments and exclude the revenues of local funds.

[1](9) ***Honorarium*** means a recurring or non-recurring payment granted to a Government servant from general revenues as remuneration for special work of an occasional character.

(10) ***Joining time*** means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

[1]This clause has effect from the 23rd April 1929.

[2]This revised clause has effect from the 31st March 1937.

(11) ***Leave on average (or half or quarter average) pay*** means leave on leave-salary equal to average (or half or quarter average) pay, as regulated by rules 89 and 90.

(12) ***Leave Salary*** means the monthly amount paid by Government to a Government servant on leave.

[1](13) ***Lien*** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

(14) ***Local fund*** means—

(a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation or filling up of particular posts, or the enactment of leave, pension or similar rules ; and

(b) the revenues of any body which may be specially notified by the Governor General in Council as such.

(15) ***Local Government***, for the purposes of these rules, does not include a Chief Commissioner.

(16) (a) ***Military Commissioned Officer*** means a commissioned officer other than—

(i) a departmental commissioned officer ;

(ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(b) ***Military Officer*** means any officer falling within the definition of military commissioned officer, or included in subclause (i) or (ii) of clause (a) above, or any warrant officer.

(17) ***Ministerial servant*** means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of a local Government.

(18) ***Month*** means a calendar month. In calculating a period expressed in terms of months and days complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

(19) ***Officiate*** —A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

[1]This revised clause has effect from the 28th May 1934.

(20) ***Overseas pay*** means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

Secretary of State's Rules regarding the grant of overseas pay.—The rules regulating the grant of overseas pay to Government servants are contained in the Government of India, Finance Department, Resolution No. 1533-Ex., dated the 5th July 1923, reproduced in Appendix 5.

[*For rules regarding admissibility of* ***Sterling overseas pay to the Superior Civil Services,*** *see Superior Civil Service Rules.*]

(21) (a) ***Pay*** means the amount drawn monthly by a Government servant as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, technical pay, special pay and personal pay and

(iii) any other emoluments which may be specially classed as pay by the Governor General in Council.

(b) In the case of a military officer, in receipt of the rates of pay introduced on July 1, 1924, pay includes the amount which he receives monthly, under the following designations:—

(i) pay of appointment, lodging allowance and marriage allowance; and

(ii) pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance ;

In the case of a military officer, in receipt of the rates of pay in force before July 1, 1924, pay includes the amount which he receives monthly under the following designations :—

(i) Military pay and allowances and staff salary ;

(ii) Indian Army pay and staff salary ; and

(iii) Consolidated pay.

Secretary of State's orders.—Language pay is not included in the definition of pay in the Fundamental Rules but has been declared to be pay by the Governor General in Council in exercise of the powers conferred upon him by Fundamental Rule 9 (21) (a) (iii) [Item (2) of the Govt. of India's decision below F. R. 9 (21) in Section III of this Compilation]. By virtue of Section 276 of the Government of India Act, 1935, the rules made by the Governor General remain in force and are deemed to have been made by the Secretary of State, notwithstanding that they have not been included in the Statutory Rules and Orders series. On a strict interpretation of Section 247 (1) of the Act. any alteration in the rules

should be made by the Secretary of State, but the matter is of relatively minor importance, and the prior approval of the Secretary of State (1) to any increase in the awards, (2) to any addition to the languages qualifying for an award, (3) to any addition to the classes of personnel under his rule-making control eligible for awards, and (4) to any increase in an individual case, may be dispensed with. Any amendment of the rules decreasing the award or limiting the personnel eligible for it would be *ultra-vires* to the proviso to Section 247 (1) of the Act.

[India Office letter No. F. 12882/46, dated the 31st October 1946, copy received under Auditor General's endorsement No. 451—A/181—46, dated the 14th December 1946.]

(22) ***Permanent post*** means a post carrying a definite rate of pay sanctioned without limit of time.

(23) ***Personal pay*** means additional pay granted to a Government servant—

[1](a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure ; or

(b) in exceptional circumstances, on other personal considerations.

(24) ***Presumptive pay of a post,*** when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively and were performing its duties ; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

(25) ***Special pay*** means an addition, of the nature of pay to the emoluments of a post or of a Government servant granted in consideration of—

(a) the specially arduous nature of the duties ; or

(b) a specific addition to the work or responsibility ; or

(c) the unhealthiness of the locality in which the work is performed.

(26) *Deleted* [with effect from the 14th May 1235.]

(27) ***Subsistence grant*** means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

[1]The amended clause has effect from the 18th March 1930.

[1](28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9(21)(a)(iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.

(29) *Technical pay* means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

(30) *Temporary post* means a post carrying a definite rate of pay sanctioned for a limited time.

[2](30-A) *Tenure post* means a permanent post which an individual Government servant may not hold for more than a limited period.

NOTE.—In case of doubt a Local Government may decide whether a particular post is or is not a tenure post.

(31) (a) *Time-scale pay* means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

[3](b) Time-scales are said to be *identical* if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

[3](c) A post is said to be on the *same* time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments ; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

(32) *Travelling allowance* means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

[1]The amended clause has effect from the 18th March 1930.

[2]This new clause has effect from the 18th March 1930.

[3]These new sub-clauses have effect from the 18th March 1930.

PART II.

Chapter III.—General Conditions of Service.

F. R. 10. Except as provided by this rule, no person may be substantively appointed in India to a permanent post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the form in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general order exempt any specified class of Government servants from the operation of this rule

[*For rules made by the Governor General in Council, under Fundamental Rule 10, see Supplementary Rules 3, 4 and 4A.*]

[*For Administrative Instructions issued by the Governor General in Council in connection with Fundamental Rule 10 regarding* ***conditions of age on appointment to Government service****, see Part I of Appendix No. 3.*]

F. R. 11. Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State.

F. R. 12 (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

[1]F. R. 12-A. Unless in any case it be otherwise provided in these Rules, Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

[2]F. R. 13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post

(a) while performing the duties of that post ;

(b) while on foreign service, or holding a temporary post, or officiating in another post ;

[1]This new rule has effect from the 29th May 1924.

[2]This revised rule has effect from the 29th May 1924.

(c) during joining time on transfer to another post; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post;

(d) subject to the exception in Rule 97, while on leave; and

(e) while under suspension.

NOTE.—In the case of a chaplain, the acceptance during leave of a benefice in the United Kingdom is not acceptance of foreign service for the purpose of clause (b) above.

[1]F. R. 14. (a) A Local Government shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) A Local Government may, at its option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be ter minated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively, and the Government servant appointed to hold it substantively shall acquire a lien on it; provided that the arrangements shall be reversed as soon as the suspended lien revives.

NOTE 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

NOTE 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment; the Government servant appointed will hold a provisional lien on the post; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

(e) Except as provided in sub-rule (3) of Rule 97, a Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

[1]This revised rule has from the 20th May 1994.

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

[1]F. R. 14-A. (a) Except as provided in clause (c) of this Rule and Rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written request of the Government servant concerned, be terminated while the Government servant remains in Government service.

(c) Notwithstanding the provisions of Rule 14(a), the lien of a Government servant holding substantively a permanent post shall be terminated on his appointment substantively to any of the offices referred to in sub-rule (1) of Rule 97 or to the post [2][of a First Class Resident or] of Chief Engineer of the Public Works Department.

[1]F. R. 14 -B. Subject to the provisions of Rule 15, a Local Government may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

[3]F. R. 15. (a) A Local Government may transfer a Government servant from one post to another ; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to a post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

[1]This new rule has effect from the 29th May 1934.

[2][] Inserted by G.I., F.D. Notification No. D.23-R.I/44, dated the 31st January 1944.

[3]This revised rule has effect from the 29th May 1934.

F. R. 17. (1) Subject to any exceptions, specifically made in these rules and to the provision of sub rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to drew them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[*For Administrative Instructions issued by the Governor General in Council regarding "Charge of Office" and "Leaving Jurisdiction" see Part II of Appendix No. 3.*]

Audit Instruction.—The Indian Civil Service recruits proceeding to India overland, should be permitted to draw pay from the date from which they would have drawn it if, having travelled by sea to Bombay and availed themselves fully of the joining time which would then have been admissible, they had reported for duty on the date on which they actually report after travelling overland.

[Para. 2(ii) Chapter III, Section I of Manual of Audit Instructions (Reprint) as inserted by Correction Slip No. 24, dated the 2nd February 1939.]

F. R. 18. Unless the Governor General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years, continuous absence from duty, elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

PART III.

Chapter IV.—Pay.

F. R. 19. (1) Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government ; provided that [1][***] the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

[2](2) Notwithstanding any restrictions referred to in, or imposed by sub-rule (1) of this rule, a local Government may grant—

(i) personal pay as defined in clause (a) of sub-rule (23) of rule 9 to any Government servant ;

(ii) special pay not exceeding Rs. 150 a month to any member of the Indian Forest Service employed on research work ;

(iii) special pay not exceeding the following scales to any member of the Indian Forest Service specially appointed as Working Plans Officer or appointed to assist a Working Plans Officer for the period during which the officers are specially employed on such work ;

Working Plans Officer . . .	Rs. 100 per mensem.
Assistant Working Plans Officers .	Rs. 50 per mensem.

(iv) special pay not exceeding the above scale to any member of the Indian Forest Service who is a divisional or district forest officer and is entrusted with the compilation of a working plan in addition to his ordinary duties or who is appointed to assist in the compilation of such a plan ;

(v) special pay [in cases other than those provided in clauses (ii) to (iv) above], or personal pay as defined in clause (b) of sub-rule (23) of rule 9 to any Government servant for a period not exceeding two years in the case of each such grant ... vided that :-

(a) the total pay of the Government servant, inclusive of special pay and personal pay, shall not exceed Rs. 4,000 a month ;

[3](b) if the Local Government is the Local Government of a Governor's Province, the amount of such special or of such personal pay, or of both, shall not, without the previous sanction of the Governor General in Council, exceed one-fifth of the pay (exclusive of special and personal pay) of the Government servant or rupees 10 a day, whichever is less;

[1] [] Deleted with effect from the 12th December 1933.

[2] This new sub-rule was inserted with effect from the 12th December 1933

[3] This revised sub-clause has effect from the 20th August 1935.

(c) the limit of two years shall not apply in the case of Indian Medical Service Officers granted special pay for attending on Railway employees.

Secretary of State's decision.—The Secretary of State has decided that reference need no longer be made to him in cases where grants of special pay are made for periods exceeding two years. Draft Rule 9 (now rule 10) of the Secretary of State's Services Rules (Pay) has been amended accordingly. Pending the making of these Rules the Government of India and Provincial Governments need not seek the sanction of the Secretary of State to the grant of personal or special pay, provided that the amount of the personal or special pay, or both does not exceed one-fifth of the person's pay, or Rupees 10 a day, whichever is less.

[Para. 7 of the India Office letter No. F-10536/43, dated the 5th June 1943 received with G.I., F.D. Endorsement No. F.1(18)-Ex.I/43, dated the 10th November 1943.]

Secretary of State's direction.—The above decision of the Secretary of State (vide G.I., F.D. Endorsement No. F. 1(18) -Ex.I/43, dated the 10th November 1943) given to the grant of special pays for periods exceeding two years was intended to cover grants in existence on the date where the amount does not exceed the prescribed limits of Rs. 10 a day or one-fifth of the officer's pay, whichever is less, as well as future grants. It will not therefore be necessary to submit any further cases of this kind and any cases forwarded to the Secretary of State for sanction since the date of the above letter may be regarded as covered.

[India Office letter No. S. & G. 2575/43, dated the 9th August 1943 received with G.I., F.D., Endorsement No. F.1(18)-Ex.I/43, dated the 6th January 1944.]

Government of India's decision.—It has been held in consultation with the Auditor General that—

(*i*) as a result of the above decision of the Secretary of State (vide G.I., F.D. Endorsement No. F.1(18)-Ex.I/43, dated the 10th November 1943), the existing two years' restriction and the limit of Rs. 4,000 prescribed in Fundamental Rule 19(2) (v) [Section II] no longer subsist,

(*ii*) the words "person's pay" occurring in the Secretary of State's decision quoted above, refer to substantive pay which includes overseas pay, and

(*iii*) in the calculation of the one-fifth limit, such special and/or personal pays as have been sanctioned by Governments in India need be taken into account.

[G. I., F. D. Endorsement No. F. 1 (18)-Ex. I/43, dated the 1st February 1944.]

Audit Instruction—See Audit Instruction below this rule in Section III of this Compilation.

Auditor General's Instructions.—The position regarding the powers of Governments in India to grant to Secretary of State 's Officers personal or special pay or both is indicated below :—

Prior to the Secretary of State's recent orders, dated the 5th June 1943 and 9th August 1943 (vide Secretary of State's decision and direction above) the Governor General in Council had, under Fundamental Rule 19(2)(v) (a), the power to grant to

a Secretary of State's Officer serving at the Centre personal or special pay or both, for a period not exceeding two years, on condition that the total pay of the officer, inclusive of special and personal pay, did not exceed Rs. 4,000 a month. In the case of a Secretary of State's officer serving in connection with the affairs of a Province, the exercise of similar powers by the Governor General in Council under Fundamental Rule 19(2)(v)(b) was held to be inconsistent with the general lay-out of the Government of India Act, 1935, and the Secretary of State, therefore, promulgated his new rule of 14th April 1942 which had the effect of vesting in Governors in their individual judgment the same powers in the matter of the grant of personal or special pay as the Governor General in Council possessed under Fundamental Rule 19(2)(v)(a). Under the recent orders of the Secretary of State, dated the 5th June 1943 and 9th August 1943, referred to above, these enhanced powers of the Governor General in Council as well as of Governors in their individual judgment have now been withdrawn. The resultant position, which completely supersedes the provisions in the Fundamental Rule 19(2)(v) and in the Secretary of State's rule of the 14th April 1942, therefore, is that Governments in India, Central and Provincial, are now uniformly authorised to grant, without any limit of time, to a Secretary of State's officer personal or special pay or both, on condition that the aggregate of such personal or special pay or both shall not exceed one-fifth of the officer's substantive pay or Rs. 10 a day, whichever is less. In applying the Secretary of State's decision and direction reproduced above, the orders contained in clauses (ii) and (iii) of the Government of India decision below this rule should, however, be borne in mind.

[Auditor General's letter No. 295-A/221-13, dated the 13th May 1941.]

F. R. 20. When a Government servant is treated as on duty under Rule 9(6)(b), the local Government may, at their option, authorise payment to him of the pay of his substantive appointment, or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction, the pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty, but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

F. R. 21. ***Time-scale pay.*** —Rules 22 to 29 inclusive and Rule [1][31] apply to time-scales of pay generally. They do not, however, apply to any

[1] [] Figure "31" has been substituted for figure "32" with effect from the 18th March 1930.

time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

Audit Ruling.—The sanction of the Secretary of State is necessary to the abrogation of the application of existing rules to any scheme for a revision of pay which has been sanctioned by the Secretary of State unless the orders specifically permit such abrogation.

[Ruling (10), Sec. IV of Compilation of Audit Rulings.]

[1]**F. R. 22.** The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows :—

(a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended [2][***]

[3][(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of Rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post ;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay, *plus* personal pay equal to the difference, and in either case will continue to draw that pay until such time as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay ;

[4](iii) when appointment to the new post is made on his own request under Rule 15 (a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) [5][and in cases, other than cases of re-employment after resignation from the public service, covered by clause (b),] that if he either -

(1) has previously held substantively or officiated in—

(i) the same post, or

[1] This revised rule has effect from the 18th March 1930.

[2] [] Deleted with effect from the 29th May 1934.

[3] This new sub-clause has effect from the 29th May 1934.

[4] []Substituted for 'and in those covered by clause (b)', with effect from the 30th August 1932.

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post ; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii) which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions.

[1]Exception.—The condition in paragraph (iii) of the first proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in cadre under a different Government or Department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department.

Note 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (a).

Note 2.—For the purposes of this Rule sterling overseas pay shall be converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.

F. R. 23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay ; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

F. R. 24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

F. R. 25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant

[1]This 'exception' has effect from the 31st March 1938.

without the specific sanction of the authority empowered to withhold increments.

F. R. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

[1](a) All duty in a post on a time-scale counts for increments in that time-scale.

[2](b) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

Provided that the local Government shall have power in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control to direct that extraordinary leave shall be counted for increment under this clause.

[1](c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post. [3][The period of officiating service in the higher post which counts for increment in the lower is, however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher.] This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.

(d) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty, leave or foreign service counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post.

Provided that the local Government shall have power, in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

[1] This amended clauses have takes effect from the 18th March 1930.

[2] This revised clause has effect from the 29th May 1934.

[3] [] Inserted with effect from the 22nd January 1935.

(e) Foreign service counts for increments in the time-scale applicable to—

[1](i) The post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and

(ii) any post to which he may receive officiating promotion under Rule 113 below for the duration of such promotion.

F. R. 27. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

F. R. 28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

[2]**F. R. 29.** If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.

[3]**F. R. 30.** Pay of officiating Government servants—

(1) Subject to the provisions of Chapter VI, a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post unless the post in which he is appointed to officiate is one of those enumerated in the schedule to this Rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [4][*].

Provided that the local Government may exempt from the operation of this Rule any service other than an all-India service which is not organised on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these Rules :

Provided further that the Governor General in Council may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this Rule and subject to such conditions as the Governor General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order

[1] This revised sub-clause has effect from the 29th May 1934.

[2] This revised rule has effect from the 17th October 1928.

[3] The amended rule has effect from the 18th March 1930.

[4] Deleted with effect from the 29th May 1934.

promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this Rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [1][* * *] or on a scale of pay identical therewith.

Schedule.

(1) District and Sessions Judges, 1st grade.

(2) Sub-Collectors, 1st grade, in the Madras Presidency.

(3) Selection Grade of the Indian Police [2][*].

(4) Accountants General, Class I.

(5) Chief Engineers, Indian Service of Engineers, State Railways.

(6) Selection posts of Collectors of Customs on pay Rs. 3,000.

(7) Selection grade on pay of Rs. 2,500 sanctioned for Postmasters General who are not members of the Indian Civil Service.

(8) The following grades in the Telegraph Department :—

(*a*) Deputy Superintendents, Traffic, 1st Class.

(*b*) Deputy Assistant Engineers, 1st Class.

(*c*) Deputy Assistant Electricians, 1st Class.

(9) Commissioners, First Grade, in the Bombay Presidency.

(10) Second Secretary to the Government of Madras.

[3]**F. R. 31. Subject to the provisions of Rules 26 (c), 30 and 35, a Government servant officiating in a post will draw the presumptive pay of that post, provided that, [4][except in the case of a Government servant whose appointment to the post in which he is officiating was made on his own request under Rule 15 (a),] if the presumptive pay of the permanent post on which he holds a lien or would hold a lien had his lien not been suspended [1][*], should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.**

[1][] Deleted with effect from the 29th May 1934.

[2][] Deleted with effect from the 28th February 1933.

[3] This rule has effect from the 18th March 1930.

[4][] Inserted with effect from the 29th May 1934.

F. R. 32. *Deleted.* [With effect from the 18th March 1930.]

F. R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

F. R. 34. *Deleted.* [With effect from the 18th March 1930.]

F. R. 35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

F. R. 36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 9 (6) (b).

F. R. 37. ***Personal pay.***—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amount by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

F. R. 38. ***Pay of Official Members of the Indian Legislature.***—A Government servant nominated as a member of the Legislative Assembly or the Council of State shall receive, while serving on the Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor General in Council may fix.

F. R. 39. ***Pay of temporary posts.*** When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F. R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to :—

(a) the character and responsibility of the work to be performed, and
(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

F. R. 41. *Cancelled.* [With effect from the 1st April 1924.]

F. R. 42. *Deleted.* [With effect from the 14th May 1935.]

[1]F.R. 43. ***Subsistence grants.***—The amount of subsistence grant in the case of a member of the Indian Civil Service or a Military Commissioned Officer subject to the civil leave rules shall be such as the Secretary of State in Council may, by general order, prescribe.

[1] This revised rule has effect from the 14th May 1935.

Secretary of State's orders.—The Secretary of State in Council is pleased to issue the following general orders under Fundamental Rule 43 :—

(1) The subsistence grant of a member of the Indian Civil Service, a statutory civil servant or a military commissioned officer subject to the civil leave rules shall be as shown in the following table :—

Period spent by the Government servant on duty in India.	Amount of the Grant.	
	If drawn out of Asia.	If drawn in Asia.
	£	Rs.
Not more than 8 years . . .	33⅓	333⅓
More than 8, but not more than 12 years.	42⅔	426⅔
More than 12, but not more than 16 years.	53⅓	533⅓
More than 16 years	66⅔	666⅔

(2) * * *

[G. I., F. D. Res. No. 421-C.S.R., dated 10th May 1922.]

Chapter V.—Additions to pay.

F. R. 44. ***Compensatory allowances.***—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a Local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

[*For rules made by the Governor General in Council in his capacity as a Local Government, under Fundamental Rule 44, see Supplementary Rules 5-8 and 17-195.*]

[*For extracts from the Secretary of State's Services (Medical Attendance) Rules, 1938, see Appendix 28 in Volume II of this Compilation.*]

[1]**F. R. 45.** A Local Government may make rules laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Local Government may make available for the purpose. Such rules may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

[*For rules made by the Governor General in Council, under Fundamental Rule 45, in his capacity as a Local Government, see Supplementary Rules 311 to 317.*]

F. R. 45A.—I. This rule applies, with effect from the 1st April 1924, to members of the Services and to Government servants holding the posts included in the Schedule to this Rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the Services included therein.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation) ; and shall be either—

(a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction ; or, when this is not known,

(b) the present value of the residence.

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

[1] This revised rule has effect from 3rd August 1927.

Provided that

(i) a Local Government may make rules providing the manner in which the present value of residences shall be determined ;

(ii) a Local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site ;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or class within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation ;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges ;

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visting him on business, or

(2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided ;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence].

[1] [] Substituted for the words 'payable by Government' with effect from the 10th November 1931.

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make, or

(ii) 8 per cent. per annum of such capital cost, whichever is less.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs, shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

[2](b) Unless in any case it be otherwise expressly provided in these rules, he shall pay —

(i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is the less ; and

(ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

[1] [] Substituted for the words 'payable by Government' with effect from the 10th November 1931.

[2] This revised sub-clause has effect from the 10th November 1931.

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform ; and

(2) that the amount taken from any officer shall not exceed 10 per cent. of his monthly emoluments ;

(ii) taking a rent in excess of that prescribed in sub-clause (b) above from an officer :—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living, or

[1](4) who is permitted to sub-let the residence supplied to him.

V. In special circumstances, for reasons which should be recorded, a Local Government—

(a) may, by general or special order, grant rent-free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any officer.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay [2][* * *] the cost of the water, electric energy, etc., consumed. A Local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. A Local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the first of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

[1] Inserted by G. I., F. D. Notification No. F. 25 (28)-Ex. II/43, dated the 15th June 1944.

[2] [] Deleted by G. I., F. D. Notification No. F. 15 (10)-Ex. I/41, dated the October 1942.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

SCHEDULE.

A.—SERVICES.

Indian Civil Service.

Indian Police [1][*].

Indian Agricultural Service.

Indian Educational Service.

Indian Forest Service.

Indian Forest Engineering Service.

Indian Medical Service (Civil).

Indian Service of Engineers.

Indian Veterinary Service.

Indian Audit and Accounts Service.

Superior Service Officers of the Military Accounts Department.

Mint and Assay Departments.

Imperial Customs Service.

Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.

Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist).

Indian Meteorological Service (Director General of Observatories and Meteorologists).

Department of Mines in India.

Archaeological Department.

Zoological Survey of India.

Survey of India, Class I.

Indian Ecclesiastical Establishment.

Political Department of the Government of India.

Medical Research Department (excluding Indian Medical Service Officers).

Opium Department (excluding officers who joined the Department after the 2nd April 1907).

Bengal Pilot Service.

[1] [*] Deleted with effect from the 28th February 1933.

B.—Posts.

1. Indian Posts and Telegraphs Department—

(i) In the Postal Department—

Deputy Director General.

Postmasters General.

Deputy Postmasters General.

Assistant Directors General.

Presidency Postmasters (including Postmaster, Rangoon).

(ii) In the Telegraph Traffic Branch—

Deputy Director General.

Assistant Director General.

First Division of the Superior Traffic Branch.

2. Commissioners and Assistant Commissioners of Income-tax.

3. Commissioners, Deputy Commissioners and General Managers of the Northern India Salt Revenue Department.

4. Officers of the Cantonment Department if on the Supernumerary list.

[*For rules made by the Governor General in Council, under Fundamental Rule 45A, in his capacity as a Local Government see Supplementary Rules 318 to 326.*]

Government of India's decision below clause IV (b) (ii) of this Rule.—A question has arisen whether, for the purposes of the Fundamental Rules, certain taxes of a service character which form part of a consolidated corporation tax, locally known as 'property tax', are to be included in the standard rent. It was the intention of the rule-making authority that the term 'property tax' as used in this rule, should be interpreted in the general sense and not in the technical sense assigned to it in any particular act or code; and that it should therefore not be considered to include taxes levied for specific services rendered for the benefit of the occupier. Such charges should in all cases be excluded from the standard rent and recovered from the occupier, irrespective of whether they were, by local rule or custom, payable in the first instance by the landlord or by the occupier.

Accordingly in the case of all Government servants under the rule-making control of the Secretary of State (whether serving under a Provincial Government or under the Central Government) and in the case of all Government servants under the rule-making control of the Governor General in Council, all taxes of a service character, such as water tax, drainage tax, and lighting tax, though they may be included in a consolidated demand for property tax, should henceforth if not already done, be recovered separately from the occupier.

These orders apply also in cases where officers are provided with Government accommodation free of rent.

[G. I., F. D., letter No. F. 8 (5)-Ex.I/38, dated the 5th April 1938 and Endorsement No. F. 25 (27)-Ex.II/42, dated the 26th June 1942.]

[1]**F.R. 45B—I. This rule applies to Government servants other than those to whom Rule 45A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues.**

II. For the purposes of sub-clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain ; and shall be either—

(a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction ; or, when this is not known,

(b) the present value of the residence including the value of site.

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined ;

(ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site ;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation ;

(iv) the capital cost howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges ;

(v) a Local Government may, for reasons which should be recorded, write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted,

[1] This new rule has effect from the 3rd August 1927.

for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided ;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence].

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

Note 1.—For the purpose of sub-clauses (a) and (b) above the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

[1] [] Substituted for the words 'payable by Government' with effect from the 10th November 1931.

Note 2.—A Local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

[1] (b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is the less ; and

(ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area, or of a particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled :

(1) that the basis of assessment is uniform, and

(2) that the amount taken from any Government servant shall not exceed 10 per cent. of his emoluments ;

(ii) taking a rent in excess of 10 per cent. of his emoluments from a Government servant—

(1) who is not under its own administrative control, or

(2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded a Local Government—

(a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants, or

[1] This revised sub-clause has effect from the 10th November 1931.

(b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay [1][* * * *] the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

[For rules made by the Governor General in Council, under Fundamental Rule 45B, in his capacity as a Local Government, see Supplementary Rules 327 to 335.]

Government of India's decision below clause IV(b) (ii) of this rule.— See Government of India's decision below clause IV (*b*) (*ii*) of Fundamental Rule 45A of this section.

[G.I., F.D., letter No. F.-8 (5)—Ex. I/38, dated the 5th April 1938.]

F. R. 45C. For the purpose of Rules 45A and 45B, "emoluments" means :—

(i) Pay;

[2](ii) Payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post ;

(iii) Compensatory allowances, other than travelling allowance, whether drawn from general revenues or from a local fund ;

(iv) Exchange Compensation Allowance ;

(v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended.

[3](vi) In the case of a Government servant under suspension and in receipt of a subsistence grant, the amount of the subsistence grant, provided that if such Government servant

[1] [] Deleted by G.I., F.D. Notification No. F.-15 (10)-Ex-I/41, dated the 29th October 1942.

[2] The amended clause has effect from the 14th January 1930.

[3] This new clause has effect from the 27th February 1934.

is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistence grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

It does not include allowances attached to the Victoria Cross, the Military Cross, [1][the King's Police Medal, the Indian Police Medal,] the Order of British India or the Indian Order of Merit.

Note 1.—The emoluments of a Government servant paid at piece-work rates shall be determined in such manner as the Local Government may prescribe.

Note 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

F. R. 46. [2](a) *Fees.*—Subject to rules made by the Governor General in Council under Rule 46A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilites, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund or for an Indian State, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.

NOTE.—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

[2](b) *Honoraria.*—A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons, which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.

[3] (c) *Fees and Honoraria.*—In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.

[4] F. R. 46A. The Governor General in Council may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.

[5] F. R. 47. Subject to the provisions of the rules made by the Governor General in Council under rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities

[1] [] Inserted with effect from the 5th April 1932.
[2] This revised clause has effect from the 9th December 1930.
[3] This clause has effect from the 23rd April 1929.
[4] This revised rule has effect from the 9th December, 1930.
[5] This revised rule has effect from the 4th June 1929.

subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by Medical Officers in civil employ for professional attendance.

[*For rules made by the Governor General in Council, under Fundamental Rule 47, in his capacity as a Local Government, see Supplementary Rules 9—16.*]

[1] F. R. 48. Any Government servant is eligible to receive without special permission—

(a) the premium awarded for an essay or plan in public competition ;

(b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice ;

[2] (c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed thereunder ;

(d) any reward sanctioned for services in connection with the administration of the customs and excise laws ; and

[3] (e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.

[4] F. R. 48A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, or cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the Local Government and in accordance with such conditions as the Local Government may impose.

[4] F. R. 48B. If a question arises whether a Government servant is a Government servant to whom Fundamental Rule 48-A applies the decision of the Local Government will be final.

[1] This revised rule has effect from the 23rd April 1929.

[2] This revised clause has effect from the 24th January 1938.

[3] This new clause has effect from the 24th January 1938.

[4] This new rule has effect from the 27th June 1933.

Chapter VI.—Combination of Appointments.

F. R. 49. A Local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows:—

(a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post ;

[1] (b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the Local Government may fix ; and

[2] (c) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the Local Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

[1] This amended clause has effect from the 13th March 1928.

[2] This revised clause has effect from the 13th April 1926.

Chapter VII.—Deputation out of India.

[1] **F. R. 50.** (1) the Governor General in Council may sanction the deputation of a Government Servant on duty out of India, elsewhere than in Europe or America, for not more than twelve months.

(2) Except in accordance with the provisions of sub-rule (1) of this Rule, no deputation of a Government Servant out of India shall be sanctioned without previous reference to the Secretary of State in Council unless the Secretary of State in Council by general or special order otherwise directs.

Secretary of State in Council's order.— Under subrule (2) of F.R. 50, the Secretary of State in Council directs that the appointment of officers of the Indian Political Department on deputation for periods exceeding 12 months to posts under the control of the Foreign and Political Department outside India which are not included in the duty strength of the Political Department cadre, may notwithstanding the provisions of F.R. 50 be made by the Governor General in Council without prior reference to him.

[G.I., F. D., Notification No. F.-9 (4)-I/36, dated the 4th March 1937.]

[2] **F. R. 51.** (1) When a Government servant is with proper sanction [3][temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed], his pay shall be regulated as follows :—

(A) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi*-European conditions, and *if* he is sent from India for the purpose of his deputation and does not include any leave within the period of his absence, from India, he shall receive—

for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, 11/12ths of such amount, for the third month of such absence, 5/6ths of such amount, for the fourth month of such absence, $\frac{3}{4}$ths of such amount, for the fifth to tenth month of such absence, 2/3rds of such amount, and thereafter $\frac{3}{4}$ths of such amount.

(B) *If* he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi*-European conditions, and *if* he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence

[1] This revised rule has effect from the 2nd February 1937.

[2] This revised rule has effect from the 29th November 1932.

[3][]Substituted for the words "deputed for duty out of Inda" with effect from the 2nd February 1937.

from India, he shall receive throughout his deputation $\frac{3}{4}$ths of the pay which he would have drawn if he had remained on duty in India.

(C) *If* he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Governor General in Council to be under *quasi*-European conditions, his pay shall be determined by the Governor General in Council with due regard to the provisions of Rule 40 of these Rules as though a temporary post had been created—

Provided that—

(a) No Government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month ;

(b) The Governor General in Council may in any case allow a Government servant having his domicile in India to draw during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (A) or sub-clause (B) of this clause.

(2) In addition to the pay admissible under clause (1) of this Rule a Government servant on deputation may be granted a compensatory allowance of such amount as the Secretary of State in Council may think fit in respect of deputation to Europe or America or as the Governor General in Council may think fit in respect of deputation elsewhere.

(3) With effect from the 13th July 1922 the sterling equivalent of the pay admissible under clause (1) of this Rule shall be calculated at such rate of exchange as the Secretary of State in Council may by order prescribe.

[1]F. R. 51-A. When a Government Servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or *quasi*-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Secretary of State in Council.

[1]Introduced with effect from the 2nd February 1937.

Chapter VIII.—Dismissal [1][Removal] and Suspension.

F. R. 52. The pay and allowances of a Government servant who is dismissed [1][or removed] from service cease from the date of such dismissal [1][or removal].

[2]**F. R. 53.** A Government servant under suspension is entitled to the following payments :—

(a) In the case of a Military Commissioned Officer in civil employment who is not on the Supernumerary List, or a departmental Commissioned Officer [3][* * *] who is liable to revert to Military duty, to the pay and allowances to which he would have been entitled had he been suspended while in Military employment.

(b) In the case of a member of the Indian Civil Service or a Military Commissioned Officer subject to the civil leave rules, who is on the Supernumerary List [4][or a Military Commissioned Officer on the General Duty List] to subsistence grant.

(c) In the case of Government servants other than those mentioned in sub-clause (a) and (b) above, the subsistence grant at such rates as the suspending authority may direct but not exceeding one-fourth of the pay of the suspended Government servant.

[5]**F. R. 54.** [6][When the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable ; or

when a Government servant who has been dismissed, removed or suspended is reinstated ;]

the revising or appellate authority may grant to him for the period of his absence from duty-

(a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal, removal or suspension ; or]

(b) if otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribe.

[1][] Inserted with effect from the 11th February 1936.
[2]This revised rule has effect from the 14th May 1935.
[3][***] Deleted with effect from the 18th August 1936.
[4][] Inserted with effect from the 18th August 1936.
[5]This revised rule has effect from the 9th June 1936.
[6][] The revised paras. have effect from the 25th August 1936.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty. In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so direct.

[*For Administrative Instructions issued by the Governor General in Council regarding* "**Committals to Prison**," *see Part IV of Appendix 3.*]

F. R. 55. Leave may not be granted to a Government servant under suspension.

Chapter IX.—Compulsory Retirement.

F. R. 56. [1](a) Except as otherwise provided in the other Clauses of this Rule, the date of Compulsory retirement of a Government servant, other than a ministerial servant, is the date on which he attains the age of 55 years. He may be retained in service after the date of compulsory retirement with the sanction of the Local Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

(b) A ministerial servant may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the Local Government.

(c) The following are the special rules applicable to particular services :—

(i) A member of the Indian Civil Service, who is not a Judge of a Chief Court, must retire after 35 years' service counted from the date of his arrival in India ; provided that, if he has held his post for less than five years, he may, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

(ii) A member of the Indian Civil Service, who is a judge of a Chief Court, must retire on attaining the age of 60 years.

[2](iii) In the case of incumbents of the posts mentioned below, other than members of the Indian Civil Service, the age limit is 60 years:—

Posts specified in Rule 98.

Legal Remembrancer and Secretary to the Legislative Council of the Punjab.

[3](iv) (1) Except as otherwise provided in this sub-clause, [4][or as otherwise directed by general or special order in this behalf issued by the Secretary of State during the present hostilities] the following classes of officers must retire on reaching the age of 55 years, namely :—

(a) Civil Engineering of the Public Works or Railway Department, and

(b) Civilians in the Superior Railway Revenue Establishment, or the Superior Establishment of the Telegraph Department ;

[1]This amended clause has effect from the 31st March 1936.

[2]This amended sub-clause has effect from the 19th October 1923.

[3]This amended sub-clause has effect from the 3rd June 1930 ; it replaces *old* sub-clauses (*iv*) and (*v*).

[4][] Inserted with effect from the 12th January 1943.

and the former class may be required by the Governor General in Council to retire on reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer.

Note.—These provisions do not apply to members of the first and second divisions of the Superior Telegraph Traffic Branch (other than officers of the old Superior Telegraph Establishment), nor to those of the second division of the Superior Telegraph Engineering and Technical Branches, whose retirement is governed by clause (a) of this Rule.

(2) Subject to the requirements of this sub-clause as to re-appointment, the Local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(3) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the Post of Consulting Engineer to the Government of India, shall, without re-appointment, hold the post for more than five years, but reappointments to the posts may be as often, and in each case for such period not exceeding five years, as the Local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

Note.—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

(vi) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical Establishments, are not subject to any rule requiring their retirements at a particular age.

(vii) The following provisions are applicable to military officers in civil employ : –

[1](1) An officer of the Indian Medical Service must retire from civil employ—

(a) on reaching the age prescribed by Royal Warrant for the retirement of an officer of his rank, unless his service is extended by the grant of leave under Rule 86, or an extension in special circumstances is sanctioned by the Secretary of State in Council ; or

(b) on completing before reaching such age, the tenure of an administrative post, unless he is thereupon reappointed to that post or appointed to another administrative post :

Provided that a Lieutenant-Colonel who entered the service before the 1st April 1911 and is specially selected for increased pay

[1]This revised sub-clause has effect from the 1st April 1930.

may nevertheless be retained in service until he has completed 27 years' service for pension.

(2) (a) Military Officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council.

[1](b) Military Officers of the Indian Political Service cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Governor General in Council.

(3) Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer ; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.

(4) Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years [2][unless an extension in special circumstances be sanctioned by the Secretary of State in Council] ; but any such officer, being a military commissioned officer and having held his post for less than five years, may for special reasons, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

[3](d) Notwithstanding anything contained in clauses (a), (b) and (c), a Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retirement, but shall be retained in service until the enquiry into the charge is concluded and a final order is passed thereon by competent authority.

NOTE 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King Emperor of India or by the Governor General in Council with His Majesty's approval [or who is appointed to be Chairman or a Member of the Public Service Commission].

NOTE 2.—For the purpose of sub-clauses (i),(vii) (3) and (vii) (4) of clause (c) of this rule officiating tenure of a post shall be included in calculating the period of five years.

NOTE 3.—The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires.

[1]Inserted with effect from the 31st January 1945.

[2] [] Inserted with effect from the 1st April 1930.

[3] Inserted by G. I., F.D., Notfn. No. F. 6 (2)-Est. V/46, dated 6th November 1946.

[4] [] Inserted with effect from the 15th March 1932.

Secretary of State's Ruling.—A Royal Engineer Officer must retire from the Army under the rules contained in the Royal Warrant, and must vacate his civil appointment under the rules contained in Fundamental Rules, i.e., F. R. 56(c)(*vii*) (2), (3) and (4), which relate to Royal Engineer Officers as well as to Indian Army Officers. In common with civil officers Royal Engineer Officers in Civil employment would be eligible under the conditions of F.R.86 to the grant of leave up to 6 months, after the date of compulsory retirement of the civil appointment, such leave being, under Note 3 to F.R. 56, regarded as an extension of service.

[India Office letter No. M-6375, dated the 14th October 1925, received with G.I., F.D. Endorsement No. F. 74-R. I/29, dated the 12th June 1929.]

Audit Instructions.—

(1) The period of five years referred to in sub-clause (c) (*i*) of this rule begins to run from the date on which the Government servant first takes up the office, whether substantively or temporarily: provided that, if temporary, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i.e., the period of temporary promotion is included in the period of five years.

[Para 6 (i), Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The period of five years referred to in sub clause (c) (*vii*) (3) of this rule begins to run from the date on which the officer first becomes entitled to draw the full pay of the post whether holding the post substantively or only in an officiating capacity: provided that, if officiating, he is confirmed in the post without a break of service.

[Para. 6 (iii), Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The period of five years referred to in sub-clause (c) (*vii*) (4) of this rule begins from the date on which the officer first takes up the office, whether substantively or temporarily: provided that, if temporary, he is confirmed without reverting to his substantive post; but the currency of the period is not interrupted by any subsequent temporary promotion to a higher post, i. e., the period of temporary promotion is included in the period of 5 years.

[Para. 6 (iv), Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 57. *Deleted* [With effect from the 26th April 1927.]

PART IV.

Chapter X.—Leave.

Section I.—*EXTENT OF APPLICATION.*

F. R. 58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply; provided that it shall be open to any person who is in Government service at the time when the Fundamental Rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the Local Government or the Governor General in Council, as the case may be, within six months of the date on which the Fundamental Rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

NOTE.—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

[1]F. R. 59. [2][Except as provided in Rules 61 and 62] leave is earned by a Government servant under sections I to V of this chapter if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

F. R. 60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave salary is paid on account of such period.

F. R. 61. A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions :—

(a) (i) An officer subject [illegible] appointed to the Indian Army [illegible] from the date of [illegible] civil employ or from the date of completion of [illegible] years' continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty

(1) any period of foreign service, to which transfer was made direct from a civil post, may be included, and

(2) leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.

NOTE.—This rule aslo applies to commissioned officers transferred from the Army Veterinary Department to the Civil Veterinary Department.

[1]This revised rule has effect from the 29th May 1934.

[2][] Inserted with effect from the 23rd March 1937.

[1] [****]

(ii) An [1][***] officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.

(b) Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of such transfer that he will not return to military employment at the expiry of his tenure of the said or any subsequent post in civil employ.

[2](c) Notwithstanding the provisions of sub-rules (a) and (b) of this Rule, the leave of military commissioned officers who are borne on the Semi-Effective List, Section II, category (vi) shall be governed by Rule 100-B.

Secretary of State's decision.—The Secretary of State has decided that Officers of the Royal Corps of Signals for whom at present there is no specific provision in the Fundamental Rules and whose conditions of service are similar to those of Royal Engineer Officers, should, when transferred to civil employ with a view to permanent employment therein, be regarded as coming under the provisions of the above-mentioned Fundamental Rules.

[G.I., F.D., Endorsement No. F. 7(11)-R.I/41, dated the 2nd August 1944.]

Government of India's decision.—*See* Government of India's decision below F.R. 62.

Audit Instruction.—The period of joining time of a military officer on transfer from the Defence Department to the Civil Department should be included in the period of three years mentioned in rule 61 (*a*) (*i*) of the Fundamental Rules. It follows that the period of joining time will count for leave under F.R. 100.

[Para. 4(*i*), Chapter X, Section I of Manual of Audit Instructions (Reprint).]

F. R. 62. Except as provided in Rule 61, a military officer in civil employ remains subject to military leave rules [3][but his leave while in civil employ is regulated by the provisions of Rule 100].

Government of India's decision.—A Government servant holding a permanent appointment in the Military Department but temporarily employed in the Civil Department continues to remain under the leave rules applicable to his permanent appointment.

[G.I.F.D. letter No. F./203-C.S.R./27, dated the 18th June 1927.]

[1] [] Para. (ii) deleted with effect from the 23rd March 1937 and Para. (iii) renumbered as Para. (ii) and the words "non-continuous service" omitted therefrom with effect from the same date.

[2] Inserted by G.I., F.D. Notification No. F.7(81)-R.I/39, dated the 8th August 1940.

[3] [] Inserted with effect from the 1st April 1937.

F. R. 63. When a military commissioned officer subject to these rules is temporarily transferred to military duty, but [1][holds a lien on his post in civil employ or would hold a lien on such a post had his lien not been suspended], the period of his absence counts as duty for leave under these rules.

F. R. 64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in Rule 98 below, may count such duty for leave as though it were duty performed in a vacation department; all leave taken during the service concerned being treated as taken under these rules.

F. R. 65 [2] (a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave, [3] [***].

Section II.—*GENERAL CONDITIONS.*

F. R. 66. A Local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted.

[*For rules made by the Governor General in Council under Fundamental Rule 66, in his capacity as a Local Government, see Supplementary Rules 206-208.*]

F. R. 67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

F. R. 68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation [4] [or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India]. A Local Government

[1] [] Substituted for the words "retains a lien on his post in civil employ" with effect from the 29th May 1934.

[2] This revised clause (a) has effect from the 5th September 1928.

[3] [] Deleted with effect from the 26th May 1936.

[4] [] Inserted with effect from the 10th November 1931.

may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

[*For rules made by the Governor General in Council, under Fundamental Rule 68, in his capacity as a Local Government, see Supplementary Rules 209-211.*]

Auditor General's decision.—See item (3) of the Auditor General's decision below Appendix 29 to Volume II of this Compilation, as inserted by correction slip No. 311, dated the 27th January 1942.

[1]F. R. 69. A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of —

(a) the Secretary of State in Council, if the proposed service or employment lies elsewhere than in India ; and

(b) the Governor General in Council, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Provided that a Government servant who has been granted permission to take any service or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the Secretary of State in Council or the Governor General in Council or any lower authority empowered to appoint him, as the case may be, from withdrawing his request for permission to retire, and from returning to duty.

NOTE.—This rule does not apply to casual literary work or to service as an examiner or similar employment ; nor does it apply to acceptance of foreign service, which is governed by Rule 110.

Secretary of State's decision.—See the Secretary of State's decision No. *2* under Fundamental Rule 69 in Section III.

Government of India's decision.—The Governor General in Council has had under consideration the question of the terms to be granted to officers (other than Railway officers) under the rule-making control of the Secretary of State who may be permitted to accept appointments *in India* in the civil Departments of the Central Government (including the Railway and Political Departments) during leave preparatory to retirement and is pleased, under Fundamental Rule 69(*b*), to extend to them the orders contained in the Finance Department letter No. F. 7(29)-R. I/44, dated the 25th July 1944, [Government of India's decision below F.R. 69 in Section III] as they apply to members of Class I, Central Services accepting employment in India during leave preparatory to retirement.

[G.I., F.D. Endorsement No. F.7 (29)-R. I/44, dated the 30th October 1944.]

F. R. 70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or

[1] **This revised rule has effect from the 21st August 1934.**

compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled :—

(a) If the leave from which he is recalled is out of India,—

(i) to receive a free passage to India ; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India ;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave ; and

[1](iii) to receive leave-salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under rules made in this behalf under Rule 44.

[2](b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave-salary only.

[*For rules made by the Governor General in Council, in his capacity as a Local Government, governing the drawal of travelling allowance for a journey on recall from leave, see Supplementary Rules 142 and 143.*]

F. R. 71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A Local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

[*For rules made by the Governor General in Council, under Fundamental Rule 71, in his capacity as a Local Government, see Supplementary Rules 212 and 213.*]

F.R. 72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

F. R. 73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence, and that period will be debited against his leave account as though it were, leave on

[1] This amended sub-clause has effect from the 31st December 1929.

[2] This amended clause has effect from the 31st December 1929.

half average pay, unless his leave is extended by the Local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15.

F. R. 74. (a) Subject to any instructions which may be given by the Governor General in Council in connection with the control of the issue of money from treasuries or by the Auditor General in India in order to secure efficiency and uniformity of audit, a Local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from

(ii) in granting leave,

(iii) in the payment of leave-salary, and

(iv) in the maintenance of records of service.

(b) The procedure to be followed elsewhere than in India will be prescribed by the Governor General in Council.

[*For rules made by the Governor General in Council, under Fundamental Rule 74 (b), see Supplementary Rules 242 to 262.*

For rules made by the Governor General in Council, under Fundamental Rule 74 (a)(i) and (ii), in his capacity as a Local Government, see Supplementary Rules 214 to 241.

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (iv), in his capacity as a Local Government, see Supplementary Rules 196 to 205.]

Auditor General's Instructions.—The instructions issued by the Auditor General under Fundamental Rule 74(a), are given in Appendix No. 8 in Volume II of this compilation.

Section III.—*SPECIAL AND ORDINARY LEAVE RULES.*

F. R. 75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely :—

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile;

(b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had

been admitted to the benefits of the European services leave rules under the Civil Service Regulations, or who, between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations ; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European services leave rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

F. R. 75A. For the purposes of sub-rule (2) of Rule 75 the domicile of a person shall be determined in accordance with the provisions set out in the Schedule* to these rules :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule (2)(a) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

F. R. 75B. No Government servant who, after his appointment to a service or post, acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the special leave rules.

F. R. 75C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the Local Government in the case of persons appointed by them, shall be final.

Section IV.—*GRANT OF LEAVE.*

F. R. 76. A leave account shall be maintained for each Government servant in terms of leave on average pay.

F. R. 77. (a) In the leave account of a Government servant, who on his entry into Government service becomes subject to these rules, shall be credited :—

(i) If he be under the special leave rules, five-twenty-seconds of the period spent on duty ; and

(ii) If he be under the ordinary leave rules, two-elevenths of the period spent on duty.

* See page 123 of this volume.

(b) In the leave account of a Government servant other than a military commissioned officer who is already in Government service when he becomes subject to these rules shall be credited :—

(i) If he be under the special leave rules —

(1) The privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date : *plus*

(2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian service leave rules of the Civil Service Regulations : *plus*

(3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European service leave rules :

(4) five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules be permissible to grant to him under the rules in force prior to that date : *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date : *plus*

(3) two-elevenths of the period spent on duty subsequent to that date.

[1]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(c) In the leave account of a military commissioned officer who becomes subject to these Rules shall be credited :—

(1) (i) The privilege leave which, on the date on which he becomes subject to these Rules, it would be permissible to grant to him under the Rules applicable to him prior to that date, or

(ii) the leave on average pay which, on the date on which he becomes subject to these Rules, it would be permissible to grant him under Rule 100, *plus*

[1] This proviso has effect from the 10th April 1934.

(2) one-eighth [1][or one-twelfth in the case of officers commissioned in His Majesty's Indian Land Forces] of the period prior to that date spent on duty or on privilege leave during the following periods of service :—

(i) Service under the European Service Leave Rules of the Civil Service Regulations;

[2](ii) Service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

[3](iii) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India, *plus*

[3](3) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules:

[4]Provided that in the case of an officer (other than an officer who became subject to these Rules before the 4th of December 1928) who becomes subject to these Rules in the calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

NOTE.—A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension.

[5]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

[1] [] Inserted with effect from the 11th October 1938.

[2] These amended sub-clauses have effect from the 28th January 1930.

[3] This amended clause has effect from the 28th February 1928.

[4] This proviso has effect from the 4th December 1928.

[5] This proviso has effect from the 10th April 1934.

(e) [1] [***] A Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules.

Government of India's decision.—*See* Government of India's decision below Fundamental Rule 100 in this Section.

F. R. 78. The amount of leave debited against a Government servant's leave account is—

(a) the actual period of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under Rule 83(7), and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave-salary equal to subsistence grant under the note to Rule 88, or of special disability leave on average pay under Rule 83(7) (b).

NOTE 1.—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (a) above.

NOTE 2.—(i) Under (b) above are to be debited—

(a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.

[2](b) In the case of a military commissioned officer who becomes subject to these Rules, leave in and out of India on less than full pay actually taken during the following periods of service :—

(1) service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

(2) service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India.

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (c).

(ii) In the case of a member of the Indian Civil Service or a military commissioned officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules or a chaplain on the Indian Ecclesiastical Establishment, special leave with allowances taken under rules previously in force and leave not due taken under these rules, up to a combined maximum of three months, reckoned in terms of leave on average pay, shall not be so debited.

NOTE 3.—In cases covered by Rule 77(d) the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above.

[1] [] Deleted with effect from the 14th May 1938.

[2] This amended sub-clause has effect from the 28th January 1936.

Secretary of State for India's decision.—See Secretary of State for India's decision reproduced in Appendix 30, as introduced by Correction slip No. 265, dated the 28th May 1940, on page 172 of Volume II of this Compilation.

F. R. 79. When a Government servant, who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 81 (a) (i).

F. R. 80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

F. R. 81. [1] [Except as may be provided in Rule 81A] leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions :—

(a) The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date :

plus

one-eleventh of the period spent on duty subsequent to that date :

plus

(i) in the case of Government servants under the special leave rules, three years ; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years.

[2] Provided that special disability leave on half average pay or on average pay under Rule 83(7)(a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under Rule 83(7)(b), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average pay taken under rules previously in force [3][but excluding special disability leave on average pay under Rule 83(7)(a)] which may be granted is :—

(i) To a Government servant under the special leave rules, eight months at any one time,

and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him

[1] [] Inserted with effect from the 1st November 1932.
[2] This amended proviso had effect from the 13th April 1926.
[3] [] Inserted with effect from the 18th April 1926.

under the rules applicable to him prior to that date ; *plus*

one-eleventh of the period spent on duty subsequent to that date : *plus* one year.

[1] (ii) To a Government servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six months at any one time,

and, in all,—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date : *plus*

one-eleventh of the period spent on duty subsequent to that date ;

provided that, in the case of a Government servant subject to the ordinary leave rules, who either takes leave on medical certificate [2][other than leave preparatory to retirement] or spends his leave elsewhere than in [3][India, Ceylon, Nepal, Burma or Aden], the maxima prescribed in sub-clause (i) of this clause shall apply.

[4]NOTE 1.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

[4]NOTE 2.—The leave on average pay which on the date on which he becomes subject to these Rules it would be permissible to grant to a Military Commissioned Officer under Rule 100 should, when he becomes so subject, be treated as privilege leave for the purposes of sub-rules (a) and (b) of this Rule.

(c) [2][Save in the case of leave preparatory to retirement] leave not due may be granted subject to the following conditions :—

(i) on medical certificate, without limit of amount ; and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

[5]NOTE.—In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

[1] This amended clause has effect from the 7th Sept. 1927.

[2] [] Inserted with effect from the 12th May 1936.

[3] [] Substituted for the words 'India, Ceylon or Nepal' with effect from the 1st February 1938. The words 'India, Ceylon or Nepal' were substituted for the words 'India or Ceylon' with effect from the 21st July 1931.

[4] This Note has been introduced with effect from the 4th December 1928.

[5] This Note has been introduced with effect from the 16th March 1937.

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. [1][This period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement].

(e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

[2]F. R. 81-A. An officer of the Indian Medical Service, holding an administrative post, or promoted to supernumerary administrative rank, shall during any one tenure of such post, or for so long as he holds that rank, not be granted leave exceeding twelve months in all, or eight months at any one time, any leave granted under Rule 86 being included in the maximum period of 12 months, but this maximum shall be increased by three months for each completed year by which the tenure of an administrative post, by reason of an extension, or the period during which an officer has held supernumerary administrative rank, as the case may be, exceeds four years.

F. R. 82. The following provisions apply to vacation departments only :--

(a) A Local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.

(b) Vacation counts as duty, but the periods of total leave in Rule 77, 81(a) and 81(b) should be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.

(c) In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 77 and 81(a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.

[1][] Inserted with effect from the 12th May 1936.

[2]This new rule has effect from the 1st November 1932.

(d) When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.

Auditor General's decision.—See item (3) of the Auditor General's decisions below Appendix 29 to Volume II of this Compilation, as inserted by correction slip No. 311, dated the 27th January 1942.

[1]**F. R. 83.** (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused in, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed and the person disabled acted with due promptitude in bringing it to notice. But the Governor General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of its cause.

(3) The priod of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension, and shall not, except as provided in Rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall, [2][* * *], be equal.—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this Rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay.

[3]Provided that the maxima specified in the table in sub-rule (2) of Rule 89 shall, notwithstanding anything contained in that Rule, apply to the whole period of such leave and the minima

[1] This amended rule has effect from the 13th April 1926.

[2] [] Deleted with effect from the 13th April 1926.

[3] Inserted with effect from the 13th April 1926.

specified in the table in Rule 90 shall apply when leave salary during such leave is equal to half average pay, subject to the conditions stated in that Rule and in the notes thereunder.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies the amount of leave-salary payable under this Rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4(I)(d) of the said Act.

[1](9) The provisions of this Rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for furhter military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force ; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this Rule for the purpose of calculating the period admissible.

[2]F. R. 83A. The Governor General in Council may extend the application of the provisions of Rule 83 to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions :—

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty ; and

(ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor General in Council, so exceptional in character or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave ; and

(iii) that the period of absence recommended by the medical board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

[2]F. R. 83B. (1) A Government servant who has been granted special disability leave under Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability

[1] This amended clause has effect from the 28th May 1929.

[2] This rule was introduced with effect from the 13th April 1926.

eave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council. Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Governor General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Rule 33A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

(4) For the purpose of this rule :—

[1](i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause 2(a) of Rule 75 and of Rules 75-A, B and C.

(ii) " child " means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who has not attained the age of 18, or, if a male, is under the age of 18.

F. R. 84. Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Secretary of State's Rules regarding Study Leave.—The rules prescribed by the Secretary of State in Council, with reference to this rule to regulate the grant of additional leave to Government servants for the study of scientific, technical or similar problems, or in order to undertake special courses of instruction are reproduced in Appendix No. 9 in Volume II of this Compilation. It has also been decided by the Secretary of State that extraordinary leave may be taken in conjunction with study leave without regard to the maximum prescribed in Rule 2 of the Study Leave Rules.

[G.I., F.D. Res. No. F. 20(2)-C.S.R./25, dated the 4th February 1925.

[1] This amended sub-clause has effect from the 31st December 1929.

F. R. 85. (a) [1] [Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when, other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave]. Such leave is not debited against the leave account. No leave-salary is admissible during such leave.

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a [2] [Military Commissioned Officer] subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

[*For Administrative Instructions, issued by the Governor General in Council regarding "**casual leave**" see Part V (2) of Appendix 3 in Volume II of this compilation.*]

[3] F. R. 86. (a) Leave at the credit of a Government servant in his leave account shall lapse on the [4][date on compulsory retirement] provided that if in sufficient time before that date he has—

(1) formally applied for leave and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted,

In either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of 6 months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. If the Government servant has during the period of extension—

(1) formally applied for leave due and been refused it, or

[1] [] Substituted for the words "In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted" with effect from the 5th April 1932.

[2] [] Substituted for the words "military officer" with effect from the 1st September 1936.

[3] This revised rule has effect from the 23rd April 1929.

[4] [] Substituted for the words "date on which he must compulsorily retire" with effect from the 31st March 1936.

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted,

in either case the ground of refusal being the requirements of the public service, then the said Government servant may be granted, when his duties finally cease, and preparatory to retirement, the amount of leave so refused up to a maximum of 6 months.

Secretary of State's decision.—The Secretary of State for India has decided that, pending the issue of new Leave Rules by him, the amendment to Fundamental Rule 86(b) promulgated with the Finance Department Notification No. F. 7(66)-R. I./40, dated the 17th October 1940 [vide F. R. 86(b) in Section III] will apply also to the officers under his rule-making control.

[G.I.F.D., endorsement No. F. 7(35)-R.I./43, dated the 30th October 1944.]

Section V.—*LEAVE-SALARY*

F. R. 87. Subject to the conditions in Rules 81, 88, 89 and 90, a Government servant on leave shall, during leave, draw leave-salary as follows :

(a) If the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect ; and

(b) If the leave is not due, leave-salary equal to half average pay.

Provided that when a non-gazetted Government servant who was in service on the 24th day of August 1927 takes leave and—

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if his pay be more than the average pay.

F. R. 88. After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

[1]NOTE.—A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant after this period.

F. R. 89. [2] (1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government servant,

[1] This amended note has effect from the 28th February 1928.

[2] The sub-rule (1) was introduced with effect from the 28th September 1927.

not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who at that date held the office of Auditor General.

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table :—

	Average.		Half Average.		Quarter Average	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.	£	Rs
Indian Civil Service and military commissioned officer subject to the special leave rules.	222	2,222	111	1,111	..	
Other Government servants subject to the special leave rules.	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules.	150	1,500	75	750	60	600

NOTE 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

NOTE 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation : provided that, in the case of a Government servant who is transferred with leave to his credit from a non-vacation to a vacation department, the local Government shall decide, on the first occasion on which he takes leave after such transfer the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

F. R. 90. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary, is subject to the monthly minima shown in the following table :—

	Half Average.		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£	Rs.	£	Rs.
Indian Civil Service and military commissioned officers subject to the special leave rules.	55½	555	..	..
Other Government servants subject to the special leave rules.	33	333	16½	166
Government servants subject to the ordinary leave rules.	25	250	12½	125

[1]NOTE 1.—The minima specified above for Government servants other than members of the Indian Civil Service and military commissioned officers subject to the special leave rules apply only when leave is taken or extended out of India elsewhere than in [2][Ceylon, Nepal, Burma or Aden]. [3][* * *].

NOTE 2.—In the case of a military commissioned officer [4][who became subject to these Rules before the 9th of December 1930] the minimum leave salary during such leave as may be added under Rule 77 (c) to the leave earned by duty under these Rules, or under the European Service Leave Rules of the Civil Service Regulations in the case of an officer who was subject thereto on the 31st December 1921, shall be that prescribed by the Military Rules to which the officer was subject immediately before he came under these Rules or under the European Service Leave Rules of the Civil Service Regulations as the case may be. In the case, however, of an officer of the Royal Engineers who elects to take leave under Civil Leave Rules after completing 5 years' service the minimum for so much of the leave credited as has been earned by service in civil employment shall be at the rate of £55½ out of Asia, and Rs. 555 in Asia, or the pay last drawn by him on duty whichever is less.

NOTE 3.—A military commissioned officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the civil and military rules, may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned.

[5]**F. R. 91.** (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling [6][and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony along with the balance of his leave-salary, the payment shall be made by the High Commissioner for India in London].

[1] This amended Note has effect from the 28th February 1928.

[2] [] Substituted for the words "Ceylon or Nepal" with effect from the 1st February 1938. The words "or Nepal" were inserted with effect from the 21st July 1931.

[3] [] Omitted with effect from the 21st July 1931.

[4] [] Inserted by G.I., F.D., Notification No. F. 145-R.1/30, dated the 5th January 1931.

[5] This revised rule was introduced with effect from 17th March 1925.

[6] [] Added with effect from the 19th February 1935.

(2) Subject to the provisions of sub-rule (1) leave-salary shall be drawn in rupees if due in respect of leave spent in Asia, and in sterling if due in respect of leave spent out of Asia :

Provided that—

[1](a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave-salary due in respect of an initial period of such leave spent in Asia may, if the Officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave salary due in respect of an initial period of such leave spent out of Asia may be drawn in rupees ;

(b) in the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.

[2]NOTE.—For the purpose of this rule Cyprus shall be regarded as outside Asia.

[3](3) Leave salary drawn in rupees shall be drawn in India, or in the case of a Government servant who spends his leave in Ceylon, Burma or Aden, in Ceylon, Burma or Aden, as the case may be;

[4](4) Leave-salary drawn in sterling shall be drawn in London, or, at the Government servant's option, in any British Dominion or Colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave-salary but if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part, the [5][Local Government] may authorise the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe.

[For a list of British Dominions and Colonies in which leave-salary may be drawn in sterling, see Appendix 9A in Volume II of this Compilation.]

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

[1] This revised clause has effect from the 13th August 1935.

[2] This note was inserted with effect from the 13th July 1937.

[3] This amended sub-rule has effect from the 8th October 1937.

[4] This amended sub-rule has effect from the 21st December 1926.

[5] [] Substituted for the words "Governor General in Council" with effect from the 26th November 1935.

[1](6) Any leave salary drawn outside India shall be subject to a deduction of Indian income-tax and super-tax at the rate which would have been applicable if that leave salary had been drawn in India.

Secretary of State's decision—Owing to difficulties in obtaining passages in present conditions, officers proceeding on leave out of India are sometimes compelled to spend a considerable portion of their leave in India before they embark for this country. Some officers have recently arrived without having drawn, in India, leave salary in respect of leave spent there and, owing to their delayed embarkation, they are not entitled under Fundamental Rule 91 to draw such leave salary at home. As they would be involved in considerable inconvenience at a time when they are in urgent need of funds if it were to be insisted that they should draw such leave salary in India, the High Commissioner for India has, in some cases, issued it here at rupee rates applicable to leave spent in Asia converted into sterling at rates of exchange prevailing on the dates of payment.

The Secretary of State has accordingly decided that, so long as conditions remain as at present, the provisions of Fundamental Rule 91, which require that leave salary in rupees should be drawn in India should be relaxed to permit of the action taken by the High Commissioner for India.

[G.I., F.D., Endorsement No. F. 7(1)-R.I./44, dated the 19th January 1944.]

[2]F. R. 92. The rupee and sterling maxima and minima prescribed in Rules 89 and 90 shall be applied to leave-salaries paid respectively in rupees and in sterling.

F. R. 93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave [3][***] may continue to draw a compensatory allowance, or a portion thereof, in addition to leave-salary [3][***]. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

[*For Rules framed by the Governor General in Council under Fundamental Rule 93, in his capacity as a Local Government, see Supplementary Rules 5-8.*]

Section VI.—*EXCEPTIONS AND SPECIAL CONCESSIONS.*

[4]F. R. 93-A. Except as provided by rules 61 and 64, a Government servant transferred to a service or post to which the rules in Sections I to V of this chapter apply, from a Service or post to which they do not apply, remains under the leave rules to which he was subject prior to his transfer; provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in Sections I to V of this chapter, subject to the condition that all leave at his credit on the

[1] This new sub-rule has effect from the 1st April 1939.
[2] This revised rule was introduced with effect from the 17th March 1925.
[3]] Deleted with effect from the 27th January 1931.
[4] This new rule was introduced with effect from the 13th April 1938

date on which he comes under these rules shall lapse. The intention of exercising this option must be specifically declared to the local Government or the Governor General in Council, as the case may be, and the date of such declaration shall be the date of coming under these rules. The option once exercised is final.

F. R. 94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rules made under other sections of the Act :—

[1](a) Governors and Lieutenant Governors, Members of the Executive Council of the Governor General, or of a Governor or Lieutenant Governor during their tenure of office as such.

(b) The Chief Justices and other Judges of the several High Courts.

(c) The Bishops of Calcutta, Madras and Bombay.

(d) The Auditor General in India.

Audit Instruction.—Subject to any special orders by the Government of India to the contrary, leave of absence granted to a Member of the Executive Council of the Governor General (if taken out of India) commences on the day after such Member embarks at any port in India, excluding Aden, and ends on the day before he disembarks at any port in India, excluding Aden; provided always that such Member has not been relieved of the charge of his office until he embarks and that he resumes charge immediately upon his disembarkation.

[Para. 32, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 94A. The rules in sections I to V are not applicable to the Presidents of Legislative bodies, whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

Secretary of State's orders.—The Secretary of State in Council has laid down the following principles to govern the grant of leave to the Presidents of the Legislative Councils :—

(i) In view of the long periods of what may be described as "vacation" which a President enjoys and which he is free to spend wherever he choses, no President shall be regarded as "earning leave" at all during the tenure of his appointment, or shall, except in the case of inability through sickness to attend to duty, be granted on the basis of his pay and service as President leave of absence from his duty with allowances, either during the tenure of his appointment or, except as provided in clause (ii) below, on its termination.

[1] This revised clause was introduced with effect from the 28th September 1927.

(ii) An official, being a member of the active list of a regular service, appointed to be President of a Council, shall be treated as retaining during his tenure, his right to any leave which he had earned and which was due to him at the time when to assumed the office of President, and shall be entitled to enjoy such leave on or after the termination of his office of President on the allowances which would be admissible without taking account of the salary drown as President.

The Secretary of State has left to the discretion of His Excellency the Governor the settlement of any question of detail which may arise.

[G.I., F.D., Res. No. 1130—C.S.R., dated the 5th October 1922.]

Government of India's decision.—Section 96-B of the Government of India Act is not applicable to *elected* Presidents and Fundamental Rule 94-A and the orders of the Secretary of State set out thereunder were therefore intended to apply only to the then appointed Presidents and not to *elected* Presidents. There can thus be no question of anything describable as "leave" of any kind being granted to or enjoyed by an elected President of a legislative body in India. Section 63-C. (2) of the Government of India Act however provides that the Deputy President shall preside at meetings in the absence of the President, and there is nothing to prevent the Governor permitting the temporary absence of the President for a limited period, e.g., in the case of sudden illness or similar cause. The President can travel at Government expense only when his journeys are concerned with the business of the council, e.g., a journey from (or to) his home to preside over the Council, a journey to Simla or Delhi to attend a Conference of Presidents ; a journey to the venue of some other Council to study its procedure—and the like. A claim for reserved accommodation by a President should therefore be accompanied by a certificate that the journey is official and, if the audit officers question its admissibility, the decision of the Governor should be final.

[Ar. G's. Endt. No. 56-A/166-32, dated the 12th April 1933.]

[1]F. R. 94B. [2][Except as regards Military officers in Civil employment, to whom Rules 61 and 62 apply,] the Rules in Section I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the Rules which applied to them before their transfer.

F. R. 95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England

[1] This new rule was introduced with effect from the 1st May 1928.

[2] [] Substituted for the words "Except as provided by Rule 61" with effect from the 23rd March 1937.

and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

Secretary of State's Rules.—The rules made by the Secretary of State in Council on 7th June 1923 governing the leave and the leave salary of Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur will be found in Government of India, Education and Health Department, No. 237, dated the 3rd August 1923, and No. 350, dated the 2nd November 1923.

F. R. 96. The only form of leave which may be granted to a Lieutenant Governor whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave-salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave-salary to which he would have been entitled under rule 97 had he vacated his post before taking leave.

[1]**F. R. 97. (1) When a Government servant, who has held the office of Governmor, Lieutenant-Governor, or member of the Executive Council of the Governor General, or of a Governor or Lieutenant-Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V, if the duty rendered as Governor, Lieutenant-Governor, or member, had been rendered, in one of the posts to which these rules apply ; and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave-salary will be subject to the maxima laid down in Rule 89.**

[2](2) **When a Government servant holding substantively any of the offices referred to in sub-rule (1) of this Rule or the post [3][of a First Class Resident or] of Chief Engineer of the Public Works Department takes leave immediately on vacating his office or post, or if an officer of the Indian Medical Service holding an administrative post is given leave under Rule 86, he shall during the leave be left without a lien on any permanent post.**

[4](3) **If leave is taken immediately on vacating the post of Chief Commissioner, Chief Engineer of the Railway Department or posts held by officers in the Superior Revenue Establishment State Railways corresponding in rank to a Chief Engineer, the suspended lien of the Government servant which would otherwise revive under Rule 14(e) may be terminated and the Government servant left during the leave without a lien on any permanent post.**

[1] This revised rule was introduced with effect from the 28th September 1927.
[2] This revised sub-rule has effect from the 29th May 1934.
[3] [] Inserted by G.I., F.D., Notification No. D-23-R.I./44, dated the 31st January 1944.
[4] This new sub-rule has effect from the 29th May 1944.

Provided further that in the case of an officer serving in a vacation department the provisions of Rule 82 shall apply, ***mutatis mutandis***, to the calculation and grant of leave under sub-clause (i) above.

[1] Provided further that an officer holding substantively a tenure post who is temporarily reverted to military duty, shall be treated as if he had remained subject to this Rule throughout the period of his absence from his civil posts, any privilege leave taken under Military Leave Rules during that period being treated as leave on average pay taken under this Rule.

(ii) any leave, other than privilege leave, admissible under military rules, either alone or in combination with leave on average pay.

NOTE.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (1) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(b) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted.

Provided that, except in the case of an officer holding substantively a [2][tenure post], no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave.

Provided also that in the case of an officer holding substantively a [2][tenure post], leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

Government of India's decision —Under the Special India Army Order, dated the 26th November 1941, as amended by General Headquarters (India) Memorandum No. 10273/A.G.-XI, dated the 21st December 1942, privilege leave admissible under the Military Leave Rules (India) has been suspended for the duration of the War and for such time thereafter as may be notified later, and re-placed by annual War Leave provided for in paragraph 4 of that order. As the nature and conditions of the annual War Leave (except in regard to the period admissible) are substantially similar to those of privilege leave admissible under the Military Leave

[1] This proviso was inserted with effect from the 3rd April 1939.

[2][] The words "tenure post" were substituted for the words "permanent post for a fixed term" with effect from the 18th March 1960.

Rules (India), the Governor General in Council has decided that the former category of leave should be treated as privilege leave for the purposes of Fundamental Rules 100, 100-B and 77. The period of War Leave should, for the purposes of these rules, be limited to 31 days.

For the purpose of F. R. 100(a) (ii) and (b) the term " military rules " means leave rules in force on the Army side for the time being, *vide* the Special India Army Order, dated the 26th November 1941, as amended from time to time, read with such rules and instructions in the Military Leave Rules (India) as remain operative, but any sick leave to be granted under that India Army Order will be on furlough rates of pay, or in the case of an Indian Commissioned Officer, on leave salary as for leave on medical certificate, except that any initial period or periods of such leave upto a maximum of one month in all will be on full pay of substantive or War substantive rank and may be combined with leave on average pay, but the total period of such combined leave shall not exceed four months.

These orders take effect in respect of all transfers from military to civil employ of officers governed by Fundamental Rules 100, 100-B and 77, occurring on or after the 20th November 1941, during the currency of the Special India Army Order in question, or further orders which may be issued in supersession of it, as contemplated in paragraph 1 of the General Headquarters memorandum referred to above.

[Government of India, Finance Department, endorsement No. F.7(64)-R.I./43 dated the 12th January 1944.]

Audit Instruction.—See Audit Instruction below F. R. 61 in this section.

[1]**F. R. 100A. Unless the Secretary of State in Council in any case otherwise directs, the following provisions apply to Government servants placed on deputation out of India under conditions, declared by the Governor General in Council to be *quasi*-European, if the period of the deputation exceeds one year :—**

(a) The period of deputation shall not count as duty for the purposes of this Chapter.

[2](b) The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account.

(c) Leave salary during such leave shall be equal to the rate of deputation pay.

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year these provisions shall apply in respect of the period in excess of one year.

[1] This new rule was introduced with effect from the 20th October 1926.

[2] This revised clause has effect from the 24th May 1927.

[1]F. R. 100-B. The following provisions apply to military commissioned officers in civil employment who are borne on the Semi-Effective List, Section II, category (vi):—

(1) The amount of leave in terms of leave on half average pay for which an officer is eligible shall be calculated, during the current year in which he is transferred to civil employment, at the rate of one-eleventh, and, thereafter, three-elevenths, of the period spent on duty :

Provided that where privilege leave under military rules is not admissible in respect of the current year of transfer the calculation shall be made at the rate of three-elevenths from the date of transfer.

(2) The maximum amount of leave which may be granted to an officer at any one time is, in terms of leave on half average pay, twelve months.

(3) During leave granted under this rule the officer may at his option draw leave salary equal to average pay or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, the leave on average pay being reckoned as twice the amount actually taken.

(4) Any privilege leave admissible to an officer under Military Rules on the date of his transfer to civil employment may be taken in addition to leave earned under this rule but shall count as twice that amount of leave on half average pay for the purpose of clause (2) of this Rule.

(5) Leave on medical certificate on half average pay, and extraordinary leave without pay on medical certificate or on urgent private affairs, may be granted up to a maximum of three months in each case where the amount of leave earned under clause (1) of this Rule has been exhausted.

(6) Leave under this rule shall normally be taken during the tenure of the officer's appointment but in special circumstances may be taken after its termination but if an officer has reached the age of compulsory retirement the grant of leave to him shall be subject to the provisions of Rule 86.

Note.—These amendments shall have effect from the 14th September 1937, and apply only to the military commissioned officers in civil employ transferred to the Semi-Effective List, Section II, Category (vi), on or after the 14th September 1937, and not to those who were already transferred before that date.

Government of India's decision.—See Government of India's decision below Fundamental Rule 100 in this Section.

[1] This new rule was introduced by G. I., F. D., Notification No. F. 7 (81) R. I./39, dated the 8th August 1940.

F. R. 101. A local Government may make rules regulating the grant to Government servants under its control of—

(a) maternity leave to female Government servants, and

(b) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

[*For rules made by the Governor General in Council under Fundamental Rule 101 in his capacity as a local Government, see Supplementary Rules 267 to 273.*]

F. R. 102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessels. Such leave is not debited against the leave account.

[*For rules made by the Governor General in Council under Fundamental Rule 102 in his capacity as a local Government, see Supplementary Rules 274 and 275.*]

F. R. 103. A local Government may make rules regulating the leave which may be earned by—

(a) temporary and officiating service;

(b) service which is not continuous; and

(c) part-time service, or service which is remunerated wholly or partially by the payment of [1][honoraria] or daily wages;

provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

[*For model terms regulating the grant of leave to Government officials engaged on contract as finally approved by the Secretary of State in Council, see Appendix 10 in Volume II of this Compilation.*]

[*For rules made by the Governor General in Council under Fundamental Rule 103 in his capacity as a local Government, see Supplementary Rules 284 to 290.*]

F. R. 104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows:—

(a) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom, to posts created temporarily with the prospect, more or less definite, of becoming permanent:

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made,

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts; or

[1] [] Substituted for the word 'fees' with effect from the 9th December 1936.

(2) when the period of probation is less than three years, to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay ; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay ; and

(b) if appointed otherwise, to such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in rule 103.

[*For rules made by the Governor General in Council under Fundamental Rule 104(b) in his capacity as a local Government, see Supplementary Rule 291 and 292.*]

[*For Administrative Instructions issued by the Governor General in Council regarding "**Grant of Leave to Probationers and apprentices**" see Part V (1) of Appendix 3 in Volume II of this Compilation.*]

Chapter XI.—Joining time.

F. R. 105. Joining time may be granted to a Government servant to enable him—

(a) to join a new post to which he is appointed while on duty in his old post ; or

(b) to join a new post,—

(i) on return from leave on average pay of not more than four months' duration, or

(ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i) ; or

(c) to travel from the port of debarkation [1][or, in the case of arrival by aircraft, from its first regular port in India] and organize his domestic establishments when he returns from leave out of India of more than four months' duration ; or

[2](d)(i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access :

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station.

[3]Provided that joining time shall not be allowed for the purposes specified in paragraph (c) or paragraph (d) to any person to whom Rule 98 applies.

F. R. 106. A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

[*For rules made by the Governor General in Council under Fundamental Rule 106 in his capacity as a Local Government, see Supplementary Rules 293 to 306A.*]

F. R. 107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows :—

(a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he [4][would have drawn if he had not been transferred], or the pay which he will draw on taking charge of his new post, whichever is less.

[1][] Inserted with effect from the 10th November 1931.

[2]This revised clause was inserted with effect from the 29th January 1936.

[3]The proviso takes effect from 9th March 1926—*vide* F. D. correction No. 21, dated 22nd April 1926.

[4][] The words "would have drawn if he had not been transferred" have been substituted for the words "drew prior to relinquishing charge of his old post" with effect from the 11th September 1929.

(b) If on joining time under clause (b) or (c) of rule 105 he is entitled—

(i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave ; if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant ; otherwise, to no payments at all ;

(ii) when returning from leave of any other kinds ; to the leave-salary which he last drew on leave at the rate prescribed for the payment of leave-salary in India :

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

Note 1.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave-salary which he would have drawn had he taken leave under civil leave rules ; provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

(c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

Note 2.—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests. A transfer made in consequence of his own misbehaviour does not fulfil this condition.

F. R. 108. A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

[1]F. R. 108A. A person in employment other than Government service or on leave granted from such employment, if in the interests of Government he is appointed to a post under a Local Government, may, at the discretion of the Local Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

[1]This new rule was introduced with effect from the 11th March 1925.

PART VII.

Chapter XII.—Foreign Service.

F. R. 109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

F. R. 110. (a) No Government servant may be transferred to foreign service against his will.

(b) A transfer to foreign service outside India may be sanctioned by the Governor General in Council.

Note.—The Government of Madras is authorised to transfer to service in Ceylon any Government servant other than a member of an all-India service.

(c) Subject to any restrictions which the Governor General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving.

F. R. 111. A transfer to foreign service is not admissible unless—

(a) the duties to be performed after the transfer are such as should for public reasons, be rendered by a Government servant and

[1](b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

F. R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

[2]F. R. 113. A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the Cadre in which the question of promotion arises.

F. R. 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the

[1]This revised clause has effect from the 29th May 1934.

[2]This revised rule takes effect from the 9th June 1936.

Governor General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[For orders issued by the Governor General in Council under this rule, see Appendix 11 in Volume II of this compilation.]

Government of India's decisions.—The Government of India have decided with the approval of the Secretary of State, that a contribution of Rs. 15 a month, should, with effect from 1st July 1933, be recovered from foreign employers towards Government's liability under rule 11 (1) of the Rules of the Indian Civil Service (Non-European Members) Provident Fund, in respect of subscribers transferred to foreign service, and that the contribution should be payable during duty only.

[G. I., F. D., letter No. F. 36-I, R. II/33, dated the 5th May 1933].

[1]**F. R. 115. (a) While a Government servant is in foreign service contribution towards the cost of his pension must be paid to general revenues on his behalf.**

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave salary also.

[2](c) (i) **Contributions due under clauses (a) and (b) above shall be paid by the Government servant himself, unless the foreign employer consents to pay them. Subject to the exceptions and modifications prescribed in regard to railway servants in sub-clause (ii) of this clause, such contributions shall not be payable during leave taken while in foreign service.**

(ii) The contribution under clause (a) and, in respect of railway servants whose leave is regulated by Sections I to V of Chapter X of these rules, the contribution under clause (b), are not payable by railway servants during leave taken while in foreign service. In respect of railway servants who are governed by the leave rules promulgated in the Railway Board's Resolution No. 8373-E, dated the 20th February 1930, the contribution under clause (b) shall also be payable during the period of leave taken while in foreign service, such contribution being calculated on the leave salary actually drawn.

(d) By special arrangement made under Rule 123 (b), contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

Note 1.—Pensions throughout this chapter, include Government contribution, if any, payable to a Government servant's credit in a provident fund.

Note 2.—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

[1]This revised rule has effect from the 5th September 1928.

[2]This revised clause was introduced by G.I., F.D. Notification No. F. 1(9)-R.I/43, dated the 30th June 1943.

[*For Administrative Instructions issued by the Governor General in Council regarding "* ***Procedure for Payment Contribution****", see Part VI (1) of Appendix No. 3 in Volume II of this compilation.*]

[1]**F. R. 116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe.**

[*The rates of contributions prescribed by the Governor General in Council with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A to Volume II of this compilation.*]

[1]**F. R. 117. (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.**

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave-salary admissible, the pay drawn in foreign service, *less*, in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9 (2).

[*The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A to Volume II of this compilation.*]

F. R. 118. *Deleted.* [With effect from the 31st December 1929.]

F. R. 119. Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

[*For rule made by the Governor General in Council, in his capacity as a Local Government, under Fundamental Rule 119 (b), see Supplementary Rule 307.*]

F. R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid, and no claim for refund can be entertained.

[1]This revised rule has effect from the 5th September 1928.

F. R. 121. A Government servant transferred to foreign service may not, without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.

F. R. 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member, and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on leave.

[*For Administrative Instructions issued by the Governor General in Council regarding* ***Leave and the Grant of Leave to Govt. servants in Foreign Service in India,*** *see Part VI (2) of Appendix 3 in Volume II of this compilation.*]

[1]F. R. 123. (a) A Government servant in Foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make an arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant, if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

F. R. 124. A Government servant in foreign service, if appointed to officiate in a post in Government service, will draw pay calculated on the pay of the post in Government service on which he holds a lien [2][or would hold a lien had his lien not been suspended] and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

F. R. 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service ; provided that, if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Local Government on whose establishment he is borne may decide.

F. R. 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

[1]This revised rule has effect from the 5th September 1928.

[2][] Inserted with effect from the 29th May 1934.

F. R. 127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

(a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under [1][Rule 116], and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) A local Government may reduce the amount of recoveries or may entirely forego them.

[1][] The words "Rule 116" have been substituted for the words 'Rule 117' with effect from the 31st December 1929.

Chapter XIII.—Service under Local Funds.

F. R. 128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

F. R. 129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

F. R. 130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performed on such terms as it thinks fit.

THE SCHEDULE.

(Fundamental Rule 75-A).

Provisions for the determination of Domicile.

[*Government of India, Finance Department, Resolution No. 1456-C S.R., dated the 18th August 1923.*]

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation 1.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin:

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband:

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following domicile of another person.

SECTION III.

FUNDAMENTAL RULES.

(Applicable to members of services under the rule-making control of the Governor General in Council.)

SECTION III.

FUNDAMENTAL RULES.

Applicable to members of services under the rule-making Control of the Governor General in Council.

Made by the Secretary of State in Council under Section 96B of the Government of India Act, as they stood on the 27th day of May, 1930, and subsequently amended from time to time by the Governor General in Council in exercise of the powers conferred on him by Rules 33 (2), 37, 42 and 44 (d) of the Civil Services (Classification, Control and Appeal) Rules in respect of the personnel under his rule-making control.

PART I.

Chapter I.—Extent of Application.

F. R. 1. These rules may be called the fundamental rules. They shall come into force with effect from the 1st January 1922.

Secretary of State's Orders.—The Secretary of State has decided that sanction accorded by him, in the absence of any indication to the contrary in the order itself, can only be held to lapse if and when it is superseded by an order of later date.

[G.I., F.D., No. D/939-A. dated the 28th April 1928.]

Government of India's Order.—All orders issued by the Government of India prior to 1st January 1922 which are at variance with the Fundamental Rules or the Supplementary Rules framed under them, should be treated as cancelled with effect from that date.

[G.I., F.D., No. F.7(6)-C.S.R./24. dated the 5th July 1924.]

Audit Instruction.—Subject to any special provisions as to the date of effect contained in the rules or orders themselves, all Statutory Rules made by the Secretary of State in Council have effect from the date on which they are passed and executive orders issued by the Secretary of State take effect from the date of issue of the despatch, letter or telegram in which the sanction is conveyed.

[Para. 1, Chap. I, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 2. The fundamental rules apply, subject to the provisions of rule 3, to all Government servants whose pay is debitable to civil estimates in India, and to any other class of Government servants in India to which the Secretary of State in Council may by general or special order declare them to be applicable. In relation to services under its administrative control,

other than all-India services, a local Government may make rules modifying or replacing any of the fundamental rules ; provided that :—

(a) No such rule shall adversely affect any person who is in Government service at the time when the fundamental rules come into force, and

(b) any such rule which grants any privilege or concession not admissible under the terms of the fundamental rules, or of the Civil Service Regulations as they stand at the time when the fundamental rules are introduced, shall require the sanction of the Secretary of State in Council.

Secretary of State's Rule.—The Governor General in Council and the Local Government of any Governor's Province may, by general or special orders, permit deviations from any provisions of a purely procedural nature contained in any rules made or confirmed under Section 96-B of the Government of India Act ; provided that such deviations shall not affect the conditions of service, the pay and allowances, or the pensions of officers subject to the rule-making control of the Secretary of State in Council.

[This *rule* has been framed under Sec. 96-B (2) of the Government of India Act and has effect from the 18th June 1935].

[G.I., F.D., Notification No. F.6(25)-R.II/35, dated the 11th July 1935.]

Declaration by the Secretary of State in Council.—The Secretary of State in Council has declared that a Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Army Estimates, shall remain subject to the Fundamental Rules.

[G.I., F.D., Res. No. 614-C.S.R., dated the 19th June 1922.]

Government of India's orders—

(1) The rule published in the Notification No. F. 6(25)-R. II/35, dated the 11th July 1935 [S. of S. rule quoted above], delegates power to permit deviations only from provisions of a purely procedural nature, like, for instance, those contained in Part X of the Civil Service Regulations. In other words, it delegates power to permit deviations from such provisions as are so unimportant that they cannot be regarded as forming part of the conditions of service, and ought not to have formed part of the statutory rules or of those which have received statutory confirmation under Section 96B of the Government of India Act. The procedure laid down in rule 55 of the Civil Services (Classification, Control and Appeal) Rules definitely constitutes a condition of service, and is, as such, clearly outside the scope of the rule referred to.

[G.I., F.D., letter No. F.6(66)-R.II/35, dated the 3rd October 1935.]

(2) As the cases of transfer of Government servants subject to Civil Service Regulations and paid from Defence Services Estimates to service paid from Civil Estimates and *vice versa* are becoming frequent and the technical position under the rules by which such Government servants

are to be governed may not be generally appreciated, the Government of India consider it desirable, with a view to avoiding any mis-apprehension to explain the correct position. According to the declaration of the Secretary of State in Council issued with Government of India, Finance Department Resolution No. 614-C.S.R., dated the 19th June 1922 reproduced as ' Declaration by the Secretary of State in Council ' below this rule), a Government servant paid from Civil Estimates, who is temporarily transferred to service paid from Defence Estimates remains subject to the Fundamental Rules. As no similar general protection has been extended by any declaration or rule to Government servants subject to the Civil Service Regulations and paid from Defence Services Estimates, who are temporarily transferred to service paid from Civil Estimates these Government servants *ipso facto* become subject to the Fundamental Rules for all purposes except for leave while so transferred.

[G.I., F.D. Endoresement No. F.2(2)-R.I/45, dated the 27th November 1945.]

Government of India's decision.—See item (2) of Government of India's decisions under C. S. (C. C. A.) R. 9 in Section I.

F. R. 3. Unless in any case it be otherwise distinctly provided by or under these rules, these rules do not apply to Government servants whose conditions of service are governed by Army or Marine Regulations.

F. R. 4. The powers specifically granted by these rules to local Governments may be exercised by them in relation to those Government servants only who are under their administrative control. These powers may be exercised by the Governor General in Council in respect of all other Government servants, and may be delegated by him, without regard to the limitations of rule 6 and subject to any conditions which he may think fit to impose, to a Chief Commissioner.

Government of India's Orders.—The sanctions accorded by the Financial Adviser, Communications, may be accepted in audit as sanctions of the Finance Department of the Government of India.

[G.I., F.D. No. 1453-Ex., dated the 20th June 1923.]

Auditor General's decision.—*** A Department of the Government of India acting under the rules for the conduct of the business of the Gov ernment of India may exercise the power of the Governor General in Council in relation to a subject which it administers, and when so doing, it acts as the Governor General in Council. Section 40 of the Government of India Act, however, lays down that all orders and other proceedings of the Governor General in Council shall be expressed to be orders by the Governor General in Council. Audit is, therefore, entitled to ask that a Department of the Government of India, when intimating an order which can be issued under rule by the Governor General in Council only, shall state in the order that it is issued by the Governor General in Council.

[Ar. G's No. 1217-A/477-23, dated the 7th December 1923.]

F. R. 5. The power to make rules or general orders conferred upon local Governments by any of these rules shall be exercised after consideration by the Governor with his executive council and ministers sitting together

but the rules and orders so made shall be made by the Governor in Council or by the Governor and Ministers, according as the service affected is attached to a department dealing with reserved or a department dealing with transferred subjects. In the case of services performing duties both in a department dealing with reserved and in a department dealing with transferred subjects, the Governor shall decide by which authority the rules shall be made.

[1]F. R. 5A. A Local Government may, where power to make rules or general orders is conferred upon it by any of these rules, relax the provisions of rules or orders so made by it in such manner as may appear to it to be just and equitable, subject to the limit of its powers to make such rules or orders :

Provided that where any such rule or order is applicable to the case of any person, the case shall not be dealt with in any manner less favourable to him than that provided by the rule or order.

F. R. 6. A Local Government may delegate to any of its officers, subject to any conditions which it may think fit to impose, any power conferred upon it by these rules with the following exceptions :—

(a) all powers to make rules ;

(b) the other powers conferred by rules 6, 9 (6)(b), 44, [45A, 45B, 45C], 83, 108A, 119, 121 and 127(c) , and by the first proviso to clause (1) of rule 30.

[*Powers delegated by the Government of India, in its capacity as a Local Government, under different Fundamental Rules, are contained in Appendix No. 4 in Volume II of this Compilation*].

F. R. 7. No powers may be exercised or delegated under these rules except after consultation with the Finance Department. It shall be open to that Department to prescribe, by general or special order, cases in which its consent may be presumed to have been given, and to require that its opinion on any matter on which it has been consulted shall be submitted to the Governor by the consulting department.

F. R. 8. The power of interpreting these rules is reserved to the Governor General in Council.

Government of India's decision.—Reference required to be made to Government of India regarding the interpretation of the Fundamental Rules and the Supplementary Rules in their application to the Posts and Telegraphs Department should be addressed to the Financial Adviser, Communications, in the first instance.

[G.I., F.D. No. F-5(53)-R.I/34, dated the 26th June 1934.]

Auditor General's decisions—

(1) In cases where the power of interpretation of rules is reserved to the Governor General in Council or the Government of India, e.g., Fundamental Rules, Government of India Supplementary Rules, Devolution

[1] This rule has effect from the 29th June 1926.

[2] [] Substituted for "15" by G.I., F.D. Resolution No. D/2015-Ex. II, dated the 16th May 1935.

Rules and the Government of India Act, all references relating to amendment or interpretation of these rules should be made direct to the Government of India.

[Ar. G's No. 582-A/128-24, dated the 16th August 1924 to all Accountants General.]

[In the case of Posts and Telegraphs audit, references to the Government of India should continue to be made by the Accountant General, Posts and Telegraphs.]

[A.G., P.T. No. Mis. 1152/F-90(a), dated the 27th August 1924.]

(2) Fundamental Rules are rules made under the Act by the Secretary of State in Council. In these rules the Secretary of State has included a specific provision giving the Governor General in Council the power of interpreting the rules. As regards the other rules made by the Secretary of State in Council in exercise of the powers conferred upon him by the Act or issued under the Act by the Governor General in Council with the sanction of the Secretary of State in Council, which do not contain a similar provision or in respect of which the Governor General in Council has not been declared to be the interpreting authority, the ultimate authority for interpretation is the Secretary of State in Council and the Auditor General cannot regard himself as bound by an interpretation given by the Governor General in Council.

[Ar. G's U.O.I. No. 39-A/2-25, dated the 9th January 1925 to G.I., F.D. and Ar.G's No. 183-A/2-25, dated the 12th March 1925.]

(3) A doubt having arisen whether the general principles of interpretation inculcated in the second sub-paragraph of Article 4 of Civil Service Regulations continue to apply in the absence of any specific provision in the Fundamental Rules, it is explained for information that the omission does not mean that the principles are to be abrogated. The intention is that they are to be followed, so far the Fundamental Rules cover pay and allowances and leave. Under the Fundamental Rules pay and allowances are earned in respect of periods of duty and it seemed unnecessary to repeat the principle contained in the Civil Service Regulations in the matter. The rule as regards title to leave seemed so obvious that it was not deemed necessary to include it in the Fundamental Rules.

If the rule relating to claims to pensions is not included in the section of the Fundamental Rules which will eventually deal with pensions it will be issued in the form of an audit instruction.

[Ar.G's No. 202-A/18-24, dated the 5th March 1924.]

Chapter II.—Definitions.

F. R. 9. Unless there be something repugnant in the subject or context the terms defined in this chapter are used in the rules in the sense here explained :—

(1) The *Act* means the Government of India Act.

(2) *Average pay* means the average monthly pay earned during the 12 complete months immediately preceding the month in which the event occurs which necessitates the calculation of average pay :

Provided that :—

[1](a) In respect of any period spent on deputation out of India which has been declared by the Governor-General in Council to be under *quasi*-European conditions the pay which the Government servant would have drawn if on duty in India shall be substituted for the pay actually drawn.

[2](b) In the case of an officer of the Royal Engineers who entered civil employ on or before the 17th September 1925 and who during any period of the preceding twelve months has undergone military training by being attached to a unit for one month his pay for that particular month shall be assumed to be the pay which he drew in the month immediately preceding his training.

[3](c) The average pay of a military officer who is granted rent free quarters and thereby foregoes lodging allowance in lieu thereof, shall, if he gives up such quarters before going on leave, be calculated as though he had been drawing during the period of occupation the lodging allowance to which he would otherwise have been entitled.

NOTE.—The average pay of a member of the Bengal Covenanted Pilot Service shall be calculated at such rates as the Secretary of State in Council may by order prescribe.

Government of India's orders.—See item (5) of the Government of India's Orders under Fundamental Rule 81 in this Section.

Government of India's decision.—In the case of a military officer transferred to a Civil Department who proceeds on leave under Fundamental Rule 100 within a few months of his joining the Civil Department, it has been decided that a period of 12 complete months immediately preceding the month in which the leave begins should be taken into account and that in respect of that portion of the period during which the officer was in military employ, his pay in the Military Department which comes within the definition of pay in Fundamental Rule 9(21)(*b*) should enter into the calculation of average pay.

[Ar.G's letter No. 167-A/102-32, dated the 22nd July 1932.]

[1]This proviso has effect from the 24th May 1927.

[2]This proviso has effect from the 6th March 1928.

[3]This proviso has effect from the 20th December 1927.

Audit Instructions—

(1) According to the definition of " average pay " in this Rule, the average is to be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the leave is taken, and for this purpose "the 12 complete months immediately preceding" should be interpreted literally. Thus a Government servant who has been on leave from the 23rd March 1922 to 22nd July 1922 inclusive is granted leave from 4th February 1923. His average pay should be calculated on the pay earned for the periods 1st February 1922 to 22nd March 1922 and 23rd July 1922 to 31st January 1923. If, however, a Government servant happens to have been on leave for more than 12 months immediately preceding the month in which the leave is taken, then the average should be taken of the monthly pay earned during the 12 complete months immediately preceding the month in which the previous leave commenced.

NOTE 1.—In the case of a Government servant on foreign service out of India lasting for more than 12 months who, on reversion to Government service, immediately takes leave under the Fundamental Rules, the calculation of average pay in respect of leave earned while in Government service should be based on the pay drawn by him during the 12 complete months preceding the month in which he was transferred to foreign service.

NOTE 2.—Any period of joining time taken either under clause (*b*) or under clause (*c*) of Fundamental Rule 105 during the preceding 12 months should be ignored in calculating average pay as no " pay " is drawn in respect of such joining time.

[Para. 1(*i*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

[*Example.*—A gazetted Government servant who was on leave from 14th April 1923 to 9th December 1923 inclusive is granted leave from 12th March 1924. In order to arrive at his average pay, the total pay earned for the periods of duty, *viz*, from 1st March 1923 to 13th April 1923 and from 10th December 1923 to 29th February 1924, should be divided by $3 + \frac{13}{30} + \frac{29}{31} = \frac{2853}{930}$ months, the fractions $\frac{13}{30}$ and $\frac{29}{31}$ representing periods of duty, in terms of months, in April and December 1923 respectively. Where x is the total pay earned by duty from 1st March 1923 to 13th April 1923 and from 10th December 1923 to 29th February 1924, the average pay is equal to $\frac{930x.}{3,853}$.]

[A.G., P. & T. No. Mis. 130/A. 205, dated the 14th April 1924, to Ar. G. and Ar. G's No. 388-A/110-24, dated the 13th June 1924 to A.G., P. & T.]

(2) In the case of a Government servant of a vacation department, the vacations falling in the period of 12 complete months immediately preceding the month in which leave is taken should be treated as duty under Fundamental Rule 82(*b*) and the pay drawn by the Government servant during the vacations should be treated as pay drawn on duty and should therefore be taken into account in determining his leave salary during the succeeding leave.

[Para. 1 (*ii*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(3) In the case of a Government servant of a Vacation Department both prefixing and affixing leave to a vacation, the leave salary for the leave affixed should be calculated on the pay drawn by the Government servant during the twelve complete months preceding the commencement of his leave.

[Para. 1(*iii*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The term " month " in this rule means " calendar month " as in Rule 9(18).

[Para. 1 (*iv*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(5) See item (2) of the Audit Instructions below F. R. 51 in this section.

(6) A civil Government servant belonging to the India Army Reserve of Officers when called to Army Service, or such a Government servant belonging to the Indian Territorial Force while undergoing training with the force, is not a "Military Officer" as defined in F. R. 9(16) (*b*) and in his case "pay" as defined in F. R. 9(21)(*a*) does not include "rank pay" received during the period of his Army service or training. In such cases the pay which the Government servant would have received if he had not been called to Army Service or training, and not the "rank pay" actually drawn during the period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules.

[Para. 1 (*vi*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 33, dated the 1st June 1939.]

Auditor General's decision.—The method of calculation of average pay in the case of officers who have enjoyed the overseas pay concession before proceeding on leave will be as set forth below.

The average pay will be calculated separately for the amounts drawn by the officer in Rupee and in Sterling respectively. For example, an officer who was in receipt of Rs. 1,250 basic pay *plus* Rs. 250 overseas pay from the 1st July 1923 and drew Rs. 1,250 basic pay and £30 overseas pay from the 1st April 1924 is entitled to a leave salary during leave commencing from 1st July 1924 of Rs. 1,250 + Rs. 250 × $\frac{9}{12}$ + £30 × $\frac{1}{4}$ or Rs. 1,250 + Rs. 187-8 + £ 7-10.

[Ar.G's No. 1853-Admn/1260-Ac.—24, dated the 30th December 1924.]

(3) ***Barrister*** means a practising barrister of England or Ireland, and a practising member of the Faculty of Advocates of the Court of Sessions of Scotland. It does not include a person who, though called to the Bar, has never practised the profession of barrister.

[1](4) ***Cadre*** means the strength of a service or a part of a service sanctioned as a separate unit.

(5) ***Compensatory allowance*** means an allowance granted to meet personal expenditure necessitated by the special circumstances in which duty is performed. It includes a travelling allowance but does not include a sumptuary allowance nor the grant of free passage by sea to or from any place outside India.

Secretary of State's orders.—" The circumstances which justify the grant to an officer of special pay are entirely different in character from those which justify the grant of a compensatory allowance, a difference

[1]This revised rule was introduced by G. I., F. D. Resolution No. F. I (9)-R.I/36, dated the 9th July 1936.

emphasised in the definitions of those terms embodied in the Fundamental Rules. Those definitions should in my view be strictly construed, and an exact compliance required with the conditions stated in them as antecedent to the grant of either special pay or compensatory allowance. The grant of compensatory allowance is a matter the control of which I have delegated to Local Governments, with whose use of the discretion entrusted to them I should normally be reluctant to interfere. I desire, however, to make it clear that for the reasons given above I am unable to recognise any necessary inter dependence between special pay and compensatory allowance or to agree either that, where the cost of living would justify the grant to an officer of a compensatory allowance, he should be rendered ineligible for such allowance because he has already been granted special pay in recognition of the duties and responsibilities of his post, or that, if the attachment of special pay to a post is justified under the terms of the Fundamental Rules, it should be subject to reduction, because for reasons essentially different a compensatory allowance, as defined in Fundamental Rule 9(5), is subsequently granted."

[S. of S's Des. No. 6-Services, dated the 18th February 1926, received with F.D. letter No. F.6-C.S.R. 26, dated the 4th May 1926.]

Secretary of State's Rules regarding grant of free passages.—The following rules framed by the Secretary of State in Council have been reproduced in Appendix No. 6 in Volume II of this Compilation :—

(1) Passage Rules, 1925, and

(2) Passage (Subordinate) Rules, 1925.

Secretary of State's decision.—The Secretary of State for India in Council has, with effect from the 1st May 1928, revised the rates of passage allowance admissible to Government servants and non-officials, who are granted passages between the *United Kingdom and any port in India proper* at Government expense and are allowed to make their own arrangements for such passages, as follows :—

	£
First Class	53
Second Class	42

The above rates were in force up to 2nd July 1929 and with effect from the 3rd July 1929, the rates of passage allowance are as follows :—

	£
First Class	65
Second Class	48

The existing rates of passage allowance for *journeys to Rangoon* which are as follows, remain unchanged :—

	£
First Class	72
Second Class	62

It has also been decided to omit the rates for *journeys to Aden*. The maximum amount admissible in any case will be the rate of passage allowance appropriate to that case or the actual cost of passage engaged by the individual concerned, whichever is less.

[G.I., F.D., letter No. F.7(59)-R.I/30, dated the 16th October 1930 and G.I., F.D. letter No. F.7(59)-R.I/30, dated the 5th January 1931.]

With effect from 17th February 1933, the Secretary of State for India in Council has revised the rates of passage allowance as follows :—

	£
Between Great Britain and any port in India proper—	
First Class	50
Second Class	35
Between Great Britain and Rangoon direct—	
First Class	64
Second Class	54

[G.I., F.D., letter No. F.-4(34)-R.I/33, dated the 20th April 1933.]

With effect from the 21st August 1934, the Secretary of State for India in Council has revised the rates of passage allowance as follows :—

	£
Between Great Britain and any port in India proper—	
First Class	46
Second Class	33
Between Great Britain and Burma—	
First Class	55
Second Class	33

[G.I., F.D. letter No. F-4(52)-R.I/34, dated the 15th November 1934.]

Government of India's orders—

(1) In view of the importance attached to the correct classification of additions to pay such as special pay and compensatory allowance, it can be accepted as a general principle that the reasons for the grant of such additions to pay should be briefly recorded in the letter or memorandum conveying the sanction. In cases, however, in which an official record in an open letter may be undesirable, it should be possible to communicate the reasons confidentially to the audit authority.

[G.I., F.D. No. F.-9-V.-C.S.R./27, dated the 15th February 1927.]

(2) In cases in which free passages are admissible under the Passage (Subordinate) Rules, 1925, and an officer is permitted to make his own arrangements, the latter is entitled to receive only a passage allowance at the rates laid down in the Secretary of State's decision reproduced above and not the actual cost of the passage or passages engaged.

[G.I., F.D. letter No. F.-12(46)-C.S.R.-26, dated the 5th November 1926.]

(3) The Governor General in Council has decided that in all cases in which the compensatory allowances under F. R. 9(5) and special pay under F. R. 9(25), clause (*a*) or (*c*), on account of service in dangerous or specially unhealthy localities granted to officials on the ordinary clerical time-scales of pay and lower paid staff of the Posts and Telegraphs Department are based directly on the local Government's orders regulating the grants of such allowances, etc., to its own officials of corresponding status serving in the same localities, changes in the rates of compensatory allowance or special pay, as the case may be, should whenever possible take effect in the case of the Posts and Telegraphs officials from the dates on which the orders of the local Government concerned sanctioning such changes are applied to the officials serving under that Government.

[F.A., P.T's Endt. No. 958-Est. A/30, dated the 16th December 1930.]

(4) The rates of passage allowance revised with effect from 21st August 1934 [*Vide* Government of India, Finance Department letter No. F.4(52) R. I/34, dated the 15th November 1934 reproduced on page 135 of this Volume] are the maxima admissible for journeys between the ports concerned. Within these maxima payment should be made to an individual of the actual cost of his passage on the production of the Shipping Company's receipt and subject to the condition that the allowance payable should not exceed the cost to Government of a passage by the most economical route in the class of accommodation admissible to him.

[G.I., F.D. letter No. F. 4(11) R.I/36, dated the 19th March 1936.]

(5) It is not advisable to follow Provincial Governments in the matter of grant of compensatory allowance to Government servants under the control of the Central Government merely because the rates of pay of the Central Government servants correspond to the scales of pay of similar staff under the Provincial Government concerned. The grant of such allowances to Government servants under the control of the Provincial Governments may be dictated by considerations which have no relevance in the case of Central Government servants ; for example a Provincial Government may find it essential to grant compensatory allowance to facilitate transfers between the Provincial Head Quarters and the Mufassil stations, but such necessity might not exist in the case of the staff of the Central Government who are generally not liable to transfer from one station to another. So long as the scales of pay laid down for the employees of the Central Government are sufficiently attractive for the right type of candidates, these should be treated as all inclusive scales, irrespective of whether they are based on the scales of pay fixed for similar employees of the Provincial Governments or not.

[G.I., F.D., letter No. F.19(2)-Ex. I/37, dated the 16th August 1937.]

(6) In accordance with the decision of the Secretary of State for India, the maximum passage allowance admissible to Government servants and non-officials who are granted passages between the United Kingdom and any port in India at Government expense and are allowed to make their own arrangements for such passages, shall, with effect from the 18th September 1940, be the net cost to Government of a passage in the class and grade of accommodation to which the passenger is entitled.

The rates of passage allowance communicated in the Government of India, Finance Department letter No. F.4(52)-R.I/34, dated the 15th November 1934 (reproduced on page 135 of this Volume) are superseded with effect from the 18th September 1940.

[G.I., F.D. Endorsement No. F.4(8)-R.I/41, dated the 19th February 1941.]

Audit Instruction.—The allowances granted to Professors of Medical Colleges who are denied the privilege of private practice should be treated as compensatory allowances.

[Para. 2, Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

Director General's Instructions.—The following allowances granted to Telegraph Traffic officials may be treated as " compensatory " :—

Grain Compensation, Dear District, Food, Exposure and Ration allowances.

[D.G's No. G.K.-16, dated the 5th March 1923, to the A.G., P. & T.]

(6) *Duty*—(a) Duty includes :—

(i) Service as a probationer or apprentice, provided that such service is followed by confirmation.

(ii) Joining time.

[1] (iii) Extra leave on average pay granted to a Government servant undergoing treatment at a Pasteur Institute.

(b) A local Government may issue orders declaring that, in circumstances similar to those mentioned below, a Government servant may be treated as on duty :—

(i) During a course of instruction or training in India.

(ii) In the case of a student, stipendiary or otherwise, who is entitled to be appointed to the service of Government on passing through a course of training at a university, college or school in India, during the interval between the satisfactory completion of the course and his assumption of duties.

(iii) During preparation in India for an examination in any oriental language.

(iv) On the first arrival in India of Government servants appointed in England who do not, before they report themselves at the seat of the local Government concerned, receive orders to take charge of a specified post, during the interval between the date of such report and the date on which they take charge of their duties.

Government of India's Orders—

(1) The Governor General in Council has issued, under Fundamental Rules 9(6) (*b*) (*i*)—(*iii*) and 20, the following general orders applicable to all Government servants under his administrative control other than Government servants employed in Chief Commissioners' provinces :—

1. A Government servant who has been substantively appointed to a post or cadre in Government service shall be treated as on duty during any course of instruction or training which he may be required or permitted to undergo in accordance with the terms of any general or special orders of the Governor General in Council.

2. A student, stipendiary or otherwise, who is entitled to be appointed to Government service on passing through a course of training at a University, College or School, shall, unless in any case it be otherwise expressly provided in the terms of his appointment, be treated as on duty during the interval between the satisfactory completion of the course and his assumption of duties.

[1] This new sub-clause has effect from the 8th September 1936.

3. (*a*) A Government servant shall be treated as on duty during any period which he is permitted to spend in preparation for an examination of any of the following kinds in an oriental language :—

(*i*) An optional examination by the High Proficiency or Degree of Honour test in any vernacular language.

(*ii*) An optional examination by the Higher Standard or High Proficiency Test in Sanskrit, Arabic or Persian.

(*iii*) An optional examination by the Degree of Honour Test in Sanskrit, Arabic or Persian.

(*iv*) In the case of Government servants of the Railway Department, a compulsory examination by the Lower Standard Test in Hindusthani.

(*v*) In the case of officers appointed in the United Kingdom to the Indian Service of Engineers, the Superior Revenue Establishment of State Railways, the Indian Railway Service of Engineers, the Sanitary and Electrical Services of the Public Works Department, the Engineering Branch of the Telegraph Department, or the Indian Forest Service a compulsory examination in a vernacular language.

(*b*) The period to be spent in preparation is limited to six months in a case covered by sub-clause (*iii*) of clause (a) of this paragraph and to three months in all other cases : provided that it may be extended to six months in the case of an officer of the Political Department preparing for an examination by the Higher Standard or High Proficiency Test in Persian or Arabic.

(*c*) The period of preparation under sub-clause (*v*) of clause (*a*) of this paragraph shall be spent only in India.

(*d*) Preparation shall not be permitted to count as duty more than once under each of the sub-clauses of clause (*a*) of this paragraph, except that in the case of the services enumerated in sub-clause (*v*) the period of preparation may be taken in instalments by officers preparing themselves for one or more examinations, provided that the total of the instalments does not exceed the maximum period of three months.

(*e*) Periods spent in preparation under this paragraph may be combined with periods of leave as follows :—

(*i*) Under sub-clauses (*i*) to (*iv*) of clause (*a*) with leave on average pay.

(*ii*) Under sub-clause (*v*) of clause (*a*) with leave on average or half-average pay.

4. When a Government servant is treated as on duty under paragraphs 1 to 3 above, his right to draw during such period any compensatory allowance attached to the post on which he holds a lien shall be governed, as though he were on leave, by Supplementary Rules 6 *et seq.*

[G. I., F. D. Res. No. 724-C. S. R., dated the 16th May 1923, and No. F./130-R.I./28, dated the 2nd October 1928.]

(2) The Government of India have declared, under Fundamental Rule 9(6)(*b*)(*iv*), that Government servants appointed in England who, on their first arrival in India, do not, before they report themselves at the seat of Government, receive orders to take over charge of a specified post, shall be treated as on duty during the interval between the date of such report and the date on which they take charge of their duties, provided that the interval between the receipt of orders and their assumption of duties shall not exceed the amount of joining time which would be admissible to a Government servant entitled to joining time under Fundamental Rule 105(*a*).

These orders have been issued by the Government of India in its capacity as a local Government and apply to those Government servants only who are under its administrative control or in a Chief Commissioner's province.

[G. I., F. D. Res. No. 122-C. S. R., dated the 10th February 1922, and letter No. 175-C. S. R., dated the 28th February 1922.]

(3) A probationer is entitled, under Supplementary Rule 291, to leave under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation, and so no difficulty arises about a probationer whether he is confirmed in the post against which he was recruited or confirmed in another post. The case of apprentices stands on a different footing; they are governed by Supplementary Rule 292, which provides only for leave during the apprentice period; and on confirmation, they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post. This decision has the concurrence of the Government of India.

[Ar. G's. letter No. 42-A/248-31, dated the 3rd February 1932.]

(4) The Government of India have decided that the time spent on training by civilian Government servants who join the Army in India Reserve of Officers will count as duty under Fundamental Rule 9(6)(*b*).

[G. I., F. D. No. F.-81-F. E., dated the 27th September 1926.]

(5) A Government servant required to attend an obligatory departmental examination, or permitted to present himself at an examination the passing of which is a condition of preferment in Government service, may be treated as on duty during the day or days of the examination and during the reasonable time required for the journey, if any, to and from the place of examination.

[G.I., F. D. Memo. No. F. 17-R. I./29, dated the 23rd January 1929.]

[A question arose whether a clerk in the Department of Education Health and Lands who appeared in the Indian Audit and Accounts Service Examination held in December 1930 may be treated as on duty during the days of the examination in accordance with the orders contained in the Finance Department Memo. No. F. 17-R. I./29, dated the 23rd January 1929. It is arguable whether the passing of this examination by the clerk in question is a 'condition of preferment in Government service.' It was decided in consultation with the Auditor General that this phrase covers only compulsory or optional examinations for promotion within the normal scope of the Government servants' department or office.]

[G. I., F. D. No. F./15(5)-R. I./31, dated the 25th March 1931.]

(6) 1. In the case of Civil Officers granted commissions in the Army in India Reserve of Officers the period of training will not include the time spent in journey to and from the station at which the training is carried out. The time spent by these officers in journeying to and from the place of training should be treated as duty and acting arrangements may be made during that time.

[G. I., F. D. No. 15(29)-R. I./31, dated the 21st September 1931 and G. I., F. D. No.F-34-R.I./32, dated the 19th August 1932.]

2. The time taken by the officers of the Superior Telegraph Engineering Branch for the journeys from their headquarters to the place of training and *vice versa* shall not form part of their traffic training for 3 months.

[F. A., P. & Ts'. Memo. No. S. 203/4, dated the 2nd August 1933.]

3. The time taken by the following officials of the Indian Posts and Telegraphs Department for the journeys from their headquarters to the place of training and *vice versa* shall not form part of the period of their training :—

1. Departmental candidates selected for training as Engineering Supervisors and Wireless Operators.	
2. Superintendent of Post Offices and R. M. S.	Training in Telegraphy.
3. Inspectors of Post Offices, Head clerks of the Superintendents of Post Offices and clerks.	
4. Telegraphists who undergo higher Baudot and wireless training.	
5. Telegraph and Telephone Line-staff.	When required or permitted to undergo any course of instructions or training in the office of the Electrical Engineer-in-Chief or the Telegraph Workshops.
6. Telephone Inspectors and Telephone operators.	
7. Mistries and Assistant Mistries	

[F.A., P.& T's.' Endorsement No. S-179/6, dated the 28th February 1934, F. O. C's. Endorsement No. ESB-23-1-37, dated the 5th April 1938 and F. A. (C's) Endorsement No. EsA-33/40(27), dated the 12th July 1940.]

(7) Mr. N., an Executive Engineer, while officiating as Superintending Engineer, was granted leave on average pay on medical certificate for 4 months and 12 days expiring on 25th August 1924. After receipt of a medical certificate of fitness, the question of his posting was taken up on the 16th August 1924 and it having been finally decided to post him as officiating Superintending Engineer, orders for his posting were issued on the 26th September 1924. Mr. N. joined duty on the forenoon of the 4th October 1924. The question arose how the period 26th August 1924 to 3rd October 1924 should be treated.

The circumstances of the case are similar to those referred to in F. R. 9(6) (*b*) (*iv*) in as much as in both cases the essential point is the compulsory waiting by the officer concerned for orders of Government posting him to a particular post. Accordingly, the Government of India, with the concurrence of the Auditor General, ordered that the period of waiting in the case of Mr. N. and in other similar cases should be treated as duty as in the case mentioned in F. R. 9(6) (*b*) (*iv*).

[G. I., F. D. No. F-192-C. S. R.-25, dated the 20th June 1925, to the Accountant General, Madras.]

(8) The period during which reservists in Government employ are on drill duty with their regiments, and also the time spent by them in journeying between their station and the place of training, shall be treated as duty qualifying for leave under Civil Rules.

[D. G., P. & T's. No. S. A.-72(4), dated the 12th March 1931.]

(9) An official of the Indian Posts and Telegraphs Department who is selected for training as Engineering Supervisor or Wireless Operator under the rules regulating direct recruitment to these services may be granted reasonable time for the journeys to and from the place of training. The time taken for such journeys shall not form part of the period of training. But during this period as well as during the period of training he shall be treated as on 'duty' under Fundamental Rule 9(6) (*b*)(*i*) and will be restricted under Fundamental Rule 20 to pay equal to the allowance granted to outside candidates or to pay last drawn by him before joining the training class, whichever is less.

[F. O. (C's) endorsement No. EsB-82-1/37, dated the 25th November 1937 and F. A. (C's) endorsement No. EsA-33/40(27), dated the 12th July 1940.]

N.B.—These orders (item 9) shall also be applicable to an official of the Indian Posts and Telegraphs Department who is selected for training as Carrier Attendant under the rules regulating recruitment to that cadre.

[F. A. (C's.) endorsement No. A-31-5/45, dated the 3rd March 1945.]

(10) A boy peon or an inferior servant of the Indian Posts and Telegraphs Department when required or permitted to undergo the course of training as Lineman either in the departmental construction parties or in a special class according to rule 467(3) of the Posts and Telegraphs Manual, Volume IV, shall be treated as on duty during the period of such training.

[F. O. (C's) Endorsement No. EsA. 7/38/4, dated the 27th March 1939.]

(11) An official of the Posts and Telegraphs Department who is selected for training for appointment as Telegraphist under the rules regulating direct recruitment to this service shall, during the period of training, be treated as on duty under Fundamental Rule 9(6)(*b*)(*i*) and during this period will be restricted under Fundamental Rule 20 to pay equal to the allowance granted to outside candidates.

[F. O. (C's) Endorsement No. EsB. 129-1/39, dated the 7th August 1939.]

(12) The period of practical training that Telegraphists may be required to undergo in the office of the Electrical Engineer-in-Chief, Alipore, Calcutta, and in the Central Telegraph Office, Calcutta, for promotion to the grade of Telegraph Master, in accordance with the Director General's Circular No. 34, dated the 13th March 1939, should be treated as duty under Fundamental Rule 9(6)(*b*)(*i*).

[F. O. (C's) No. EsA-151/39 Coll. 2, dated the 8th December 1939.]

(13) The period of training of trained Telephone Inspectors in Carrier Works in the office of the Electrical Engineer-in-Chief shall be treated as duty under F. R. 9(6)(*b*)(*i*). The time taken by the officials for their journeys from their headquarters to the place of training and *vice versa* shall not form part of their training.

[F. A. (C's) Endorsement No. EsB-381-4/41, dated the 24th December 1941.]

(14) The time taken by Telegraphists deputed for practical training for promotion to the grade of Telegraph Masters (as prescribed in Rule 323 of the Posts and Telegraphs Manual, Volume IV, 2nd Edition), for the journey from their headquarters to the place of training and *vice versa* shall not form part of their training.

[F. A. (C's) Endorsement No. S-166-2/42, dated the 27th February 1942.]

(15) The period or periods spent by an employee of the Central Government in Air Raid Precautions training or Air Raid Precautions duty during normal working hours with the permission of the Head of his Office should be treated as duty for the purposes of Fundamental Rule 9(6).

[G. I., F. D. Endorsement No. D-3728-W.I./42, dated the 7th May 1942.]

(16) The period or periods spent by an employee of the Central Government on Civic Guard training or Civic Guard duty *during normal working hours with the permission of the Head of his office* should be treated as duty for the purposes of Fundamental Rule 9(6).

[G. I., F. D. Endorsement No. D-12822-W. I./42, dated the 29th September 1942.]

(17) The period of training of Postal Signallers of the Sind and Baluchistan Circle in wireless work for their eventual posting to the Ormara and Pasni Combined Sub-offices shall be treated as duty under Fundamental Rule 9(6)(*b*)(*i*). This period should not ordinarily exceed 3 weeks but in special cases may be extended up to one month, if necessary, by the Director of Posts and Telegraphs, Sind and Baluchistan Circle.

(This order takes effect from the 15th January 1936.)

[F. A. (C's) Endorsement No. EsB. 401-16/41, dated the 6th October 1942.]

(18) The period of training of Departmental candidates selected for telegraph training shall be treated as duty under Fundamental Rule 9(6)(*b*) and they should be paid the pay and increments of their substantive posts. Departmental candidates who qualify under the rules in Appendix 9 to Posts and Telegraphs Manual, Volume IV, as outside candidates and are selected for telegraph training will have their pay during the period of training restricted under Fundamental Rule 20, to allowance granted to outside candidates.

[F. A. (C's) Endorsement No. EsB-221/5/42, dated the 8th December 1942.]

(19) In supersession of all the existing orders on the subject it has been decided that the officials of the following classes when required or permitted to undergo any course of instruction or training in the office of the Electrical Engineer-in-Chief or the Telegraph Workshops, shall be treated as on duty during the course of instruction or training :—

Telegraph and Telephone line-staff.

Telephone Inspectors and Telephone Operators.

Mistries and Assistant Mistries.

N.B.—See also item (6) 3 of the Government of India's orders above.

[F. O. (C's) Endorsement No. EsB. 23-1/37, dated the 5th April 1938.]

(20) Departmental officials sent for the prescribed three months' course of training in the Electrical Engineer-in-Chief's office for appointment as Wiremen in the Engineering Branch of the Posts and Telegraphs Department will be treated as on duty during the period of training.

[F. A. (C's) Endorsement No. A-5-14/43, dated the 13th April 1943.]

(21) An official of the Indian Posts and Telegraphs Department selected for training for appointment as telegraphist under the rules regulating direct recruitment to this service may be granted reasonable time for the journeys to and from the place of training. The time taken for such journeys shall not form part of the period of training and during this transit period he shall be treated as on duty under Fundamental Rule 9(6)(*b*)(*i*) and his pay will be restricted under Fundamental Rule 20 to pay equal to the allowance granted to outside candidates.

[F. A. (C's) Endorsement No. E. 319-2/43, dated the 1st October 1943.]

(22) The periods spent by the officials of Posts and Telegraphs Department in training at Pre-Cadet Provincial Schools and on journeys to and from the place of training may be counted as duty under Fundamental Rule 9(6)(*b*).

[F. A. (C's) Endorsement No. S-304/1/43, dated the 11th October 1943.]

(23) A telegraphist of the Indian Posts and Telegraphs Department who is selected for promotion to the Telegraph Masters' grade may, when deputed for practical training, be granted reasonable joining time (not exceeding three days in addition to the actual transit time) for the journeys to and from the place of training, such period being treated as

'duty' under Fundamental Rule 9(6)(*b*)(*i*). The pay to be drawn during this period shall be restricted under Fundamental Rule 20 to the substantive pay actually drawn before joining the training class, unless special sanction of competent authority is accorded for the drawal of officiating pay, if any, during the period of transit.

(This order takes effect from the 1st January 1944.)

[F. A. (C's) Endorsement No. S-166-3/45, dated the 3rd October 1945.]

(24) The period of training of the Telephone staff sent to the special training class in the office of the Electrical Engineer-in-Chief for undergoing training in Switch and Relay adjustment, and in the maintenance of Automatic, Telephone Systems, may be treated as duty under F. R. 9(6)(*b*)(*i*).

The time taken by the officials for their journeys from their headquarters to the place of training and *vice versa* shall not form part of the period of their training.

[F. A. (C's) Endorsement No. EsA-8/38 (45)D, dated the 4th April 1939.]

Audit Instructions—

(1) See item (2) of the Audit Instructions below F. R. 61 in this Section.

(2) (*a*) The term "Probationer" does not cover a Government servant who holds substantively a permanent post in a cadre and is appointed 'on probation' to another post.

(*b*) No person appointed substantively to a permanent post in a cadre is a probationer, unless definite conditions of probation have been attached to his appointment, such as the condition that he must remain on probation pending the passing of certain examinations.

(*c*) The status of a probationer is to be considered as having the attributes of a substantive status except where the rules prescribe otherwise.

[Para. 3(*i*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The leave of apprentices during the period of apprenticeship is governed by S. R. 292 and on confirmation they cannot count their apprentice period for leave as if it had been service rendered substantively in a permanent post.

[Para. 3(*ii*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The periods spent in training and on the journey to and from the place of training by the reservists of the Indian Army and the Royal Indian Fleet in Civil Government employ, when called up for periodical military and naval training respectively, will be treated as duty for purposes of civil leave and increments of civil pay.

[Para. 4(*i*), Chap II, Sec. I of Manual of Audit Instructions (Reprint)]

(5) See item (5) of the Audit Instructions below Fundamental Rule 26 in this Section.

(6) See item (2) of the Audit Instructions below Fundamental Rule 105 in this Section.

Director General's Order.—The period of deputation of paid postal probationers appointed prior to 1st December 1919 to telegraph training classes should count towards leave and pension.

[D. G., P. & T., Memo. No. S-238/113, dated the 14th November 1933.]

[1](6-A). ***Fee*** **means a recurring or non-recurring payment to a Government servant from a source other than general revenues, whether made directly to the Government servant or indirectly through the intermediary of Government.**

Government of India's decision.—See Government of India's decision below F. R. 9 (8) in this Section.

[2](7). ***Foreign Service*** **means service in which a Government Servant receives his substantive pay with the sanction of Government (a) from any source other than the revenues of the Governor General in Council or of a province or the Railway Fund (when established) ; or (b) from a company working a State Railway.**

(8) ***General Revenues of India*** **include the revenues allocated to local Governments and exclude the revenues of local funds.**

Government of India's decision.—The term ' General revenues of India ' used in the Fundamental Rules is no longer an appropriate term. Since a recasting of the definition of this term, as contained in Fundamental Rule 9(8), will necessitate several modifications in other rules, it is proposed that this definition may be allowed to stand for the present and that suitable amendments may be made to Fundamental Rules 9 (6-A) and (9) and 46(*a*) and (*b*), which would have the effect of classifying a payment made by the Central or a Provincial Government to the employee of another Government in India as a ' fee ' instead of ' honorarium '.

The necessary action to modify Supplementary Rules 11 and 12 of the Central Government, in order to preclude from their purview the remuneration received by a Government servant from a Provincial Government consequent on the remuneration being classified as fee instead of honorarium will also be taken in due course.

[G. I., F. D., letters No. F. 8(16)-Ex. II/39, dated the 20th May 1940 and the 31st January 1942, copies received under endorsement of even No., dated the 7th March 1942.]

Audit Rulings—

(1) Fees recovered from shipowners for work done on Sundays, are part of general revenues.

[Ruling (2), Sec. IV of Compilation of Audit Rulings.]

(2) Payments to Government servants out of the realised assets of enemy trading concerns are not payments from general revenues.

[Ruling (3), Sec. IV of Compilation of Audit Rulings.]

[1] This clause has effect from the 23rd April 1929.

[2] This revised clause has effect from the 31st March 1937.

[1] (9). ***Honorarium*** means a recurring or non-recurring payment granted to a Government servant from general revenues as remuneration for special work of an occasional [2][or intermittent] character.

Government of India's decisions—

(1) The Governor General in Council has decided that overtime allowance or overtime pay, pie money and extra duty allowance payable in the Indian Posts and Telegraphs Department should be treated as recurring honoraria as they are paid for laborious work of an occasional character within the meaning of this rule.

[F. A., P. & T's. endorsement No. 779-G/26, dated the 4th February 1932.]

(2) See Government of India's decision below F. R. 9(8) in this Section.

(10) ***Joining time*** means the time allowed to a Government servant in which to join a new post or to travel to or from a station to which he is posted.

(11). ***Leave on average (or half or quarter average) pay*** means leave on leave-salary equal to average (or half or quarter average) pay, as regulated by rules 89 and 90.

(12) ***Leave-salary*** means the monthly amount paid by Government to a Government servant on leave.

[3] (13) ***Lien*** means the title of a Government servant to hold substantively, either immediately or on the termination of a period or periods of absence, a permanent post, including a tenure post, to which he has been appointed substantively.

Secretary of State's decision.—See entry below F. R. 26 in this Section.

Government of India's decision.—The Governor General in Council has decided that an official who has elected to remain under the leave rules contained in the Civil Service Regulations is entitled to the benefit of Article 210 of those Regulations and that in his case the application of that Article has the effect of overriding the definition of the word "lien" in F. R. 9 (13) for the purpose of the interpretation of that word in F. R. 26 (*b*).

[G. I., F. D. No. F-153-C. S. R./26, dated the 20th May 1926.]

Auditor General's decision.—In the case of a Government servant who holds no lien on any appointment except that which it is proposed to abolish, the correct practice in deciding the exact date from which the appointment is to be abolished would be to defer the date of abolition up to the termination of such leave as may be granted.

[Ar. G's. Memo. No. 641-A/194-22, dated the 13th September 1922.]

[1] This clause has effect from the 23rd April 1929.

[2] [] Inserted by G. I. F. D. Notification No. F. 9(6)-Ex. II/42, dated the 5th February 1942.

[3] This revised clause has effect from the 29th May 1934.

(14) ***Local Fund*** means—

(a) revenues administered by bodies which by law or rule having the force of law come under the control of Government, whether in regard to proceedings generally or to specific matters, such as the sanctioning of their budgets, sanction to the creation of filling up of particular posts, or the enactment of leave, pension or similar rules ; and

(b) the revenues of any body which may be specially notified by the Governor General in Council as such.

(15) ***Local Government***, for the purposes of these rules, does not include a Chief Commissioner.

(16) (a) ***Military commissioned officer*** means a commissioned officer other than —

(i) a departmental commissioned officer ;

(ii) a commissioned officer of the Indian Medical Department.

It does not include a warrant officer.

(b) ***Military Officer*** means any officer falling within the definition of military commissioned officer, or included in sub-clause (i) or (ii) of clause (a) above or any warrant officer.

(17) ***Ministerial servant*** means a Government servant of a subordinate service whose duties are entirely clerical, and any other class of servant specially defined as such by general or special order of a local Government.

Government of India's decision.— The Governor General in Council has decided that those members of class II services whose duties are predominantly clerical shall be classed as ministerial servants for the purpose of clause (17) of Rule 9 of the Fundamental Rules.

[G.I., F.D. letter No. F. 11 (6)-R. I/33, dated the 1st April 1933, to the A.G., C.R.]

(18) ***Month*** means a calendar month. In calculating a period expressed in terms of months and days, complete calendar months, irrespective of the number of days in each, should first be calculated and the odd number of days calculated subsequently.

Audit Instruction.—In calculating a period of 3 months and 20 days from 25th January, 3 months should be taken as ending on 24th April, and the 20 days on 14th May. In the same way the period from 30th January to 2nd March should be reckoned as 1 month and 2 days, because one month from 30th January ends on 28th February. A period of one month and 29 days commencing from the 1st January will expire, in an ordinary year (in which February is a month of 28 days), on the *last day* of February, because a period of 29 days cannot obviously mean to exceed a period of full calendar month and leave for two months from 1st January

would end on the last day of February. The same would be the case if February were a month of 29 days or if the broken period were 28 days (in an ordinary year).

[Para. 5, Chap. II, Sec. I of Manual of Audit Instructions (Reprint) as amended by correction slip No. 2, dated the 1st April 1938.]

(19) *Officiate.*—A Government servant officiates in a post when he performs the duties of a post on which another person holds a lien. A local Government may, if it thinks fit, appoint a Government servant to officiate in a vacant post on which no other Government servant holds a lien.

Government of India's decision.—In the case of a Government servant with a substantive post on a permanent establishment, who is appointed to officiate in a permanent post which is substantively vacant or which is temporarily vacant in consequence of the absence of the substantive incumbent on extraordinary leave or on transfer to foreign service, and is allowed to draw the full officiating pay or salary admissible under the rules, the difference between the substantive pay and officiating pay or salary counts as emoluments for pension.

[G.I., F.D., letter No. 84-C.S.R., dated the 8th July 1925, and Res. No. F-16-C.S.R./26, dated the 22nd January 1926].

(20) *Overseas pay* means pay granted to a Government servant in consideration of the fact that he is serving in a country other than the country of his domicile.

Secretary of State's Rules regarding the grant of overseas pay.—The rules regulating the grant of overseas pay to Government servants are contained in the Government of India, Finance Department, Resolution No. 1533-Ex., dated the 5th July 1923 reproduced in Appendix 5 in Volume II of this Compilation.

[For rules regarding admissibility of sterling overseas pay to the Superior Civil Services, see Superior Civil Services Rules.]

Secretary of State's decision.—The Secretary of State for India has prescribed a revised form of questionnaire, reproduced in Appendix 5-B in Volume II of this Compilation, to be used in determining the domicile of a person for the purpose of the special leave rules and the overseas pay and passage concessions.

The Secretary of State has further decided that an officer who has been drawing overseas pay in good faith and whose domicile is challenged should receive a personal allowance equal to the amount of overseas pay hitherto drawn, the allowance to be absorbed in increments, from the date when his domicile is questioned, and should continue to enjoy such allowance in the event of an eventual adverse decision.

G.I., H.D., No. F-445-II-27/Estabts., dated the 17th February 1928].

Auditor General's decision.—In a case regarding calculation of the average cost of a post in the Imperial Police Service, the following orders were passed by the Auditor General :—

* * * As regards the calculation of the average cost of overseas pay, the total cost of Sterling and Rupee overseas pay

now drawn should be worked out separately and divided in each case by the number of men so drawing. As the cost to India is the cost of sending money to England to make the payment there, 1s.6d.[1] should be taken as the rate for converting sterling overseas pay into rupees for this purpose.

* * * *

[Ar. G's. No. 1402-Admn/397-95, dated the 28th November 1925.]

(21) (a) *Pay* means the amount drawn monthly by a Government servant as—

(i) the pay, other than special pay or pay granted in view of his personal qualifications, which has been sanctioned for a post held by him substantively or in an officiating capacity, or to which he is entitled by reason of his position in a cadre, and

(ii) overseas pay, technical pay, special pay and personal pay, and

(iii) any other emoluments which may be specially classed as pay by the Governor General in Council.

(b) In the case of a military officer, in receipt of the rates of pay introduced on July 1, 1924, pay includes the amount which he receives monthly, under the following designations :—

(i) pay of appointment, lodging allowance and marriage allowance ; and

(ii) pay of rank, command pay, additional pay, Indian Army allowance, lodging allowance and marriage allowance;

(c) In the case of a military officer, in receipt of the rates of pay in force before July 1, 1924, pay includes the amount which he receives monthly under the following designations :—

(i) Military pay and allowances and staff salary ;

(ii) Indian Army pay and staff salary ; and

(iii) Consolidated pay.

[2]**NOTE.—In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, "pay" shall be deemed to be equivalent to two hundred times his hourly class rate.**

[Framed by the G.G. in Council under Rule 44 (d) of the Civil Service (Classification, Control and Appeal) Rules.]

Government of India's decisions.—(1) The Governor General in Council has classed "*Judicial pay*" as "Pay" under this rule (with effect from 1st January 1922).

[G.I., F .D., No. 76-E.A., dated the 25th January 1922.]

[1] The current (now uniform) rate of exchange, as defined in Article 229, Account Code, Volume IV, First Edition (1940), will hereafter be applied in converting sterling overseas pay into rupees for all purposes—G.I., F.D. Resn. No. F-276-Ex./25, dated the 1st April 1926.

[2] Inserted by G.I., F.D. Resolution No. F. 2 (1)-R.I/37, dated the 8th April 1937.

(2) The Government of India have decided that language allowances shall be termed " language pay " in future and that they shall be classed as " Pay " under this rule. This decision has effect from 1st January 1922. [See also Secretary of State's orders below F. R. 9 (21) in Section II of this compilation.]

[G.I., F.D. Res. No. 1439-F.E., dated the 14th July 1922, and No. 2638-F.E., dated the 15th December 1922.]

(3) The definition of pay in F.R. 9 (21) (*b*) in the case of a Military Officer in receipt of the rates of pay introduced on the 1st July 1924 includes ' pay of appointment ' which as defined in the Pay and Allowances Regulations for the Army in India, Part I, includes ' Staff pay '. It has therefore been decided with the concurrence of the Government of India that staff pay should be taken into account in calculating average pay of Military Officers employed in Military Police Forces.

[C.C.A. No. 315-A/194-30, dated the 13th December, 1930, to the Accountant General, Bengal.]

(4) The Governor General in Council has classed, under F.R. 9 (21) (*a*) (*iii*), the following allowances as pay :—

(*a*) Charge allowance of Rs. 200 per mensem granted to officers of the Political Department with less than 9 years' service in the Civil Department when appointed to posts classed as ' superior ' ; and

(*b*) Charge allowance of Rs. 150 and Rs. 300 per mensem granted to officers of the Provincial Civil Service appointed to officiate respectively in ' inferior ' and ' superior ' posts of the Political Department.

[G.I., F.D. Resolution No. D/1958-R. II, dated the 18th July 1932.]

(5) The Governor General in Council has decided with the concurrence of the Secretary of State in Council that the Frontier Allowance granted to Officers of the Frontier Irregular Corps is not a compensatory allowance and is of the nature of pay.

[G.I., F.D., Endorsement No. F. 2/111-Ex. II/36, dated the 30th November 1936.]

(6) The Government of India agree that the Pashtu Allowance has been correctly classified as ' pay ' in the case of Officers of the Frontier Irregular Corps.

[Government of India in the External Affairs Department letter No. D.-1989-G/37, dated the 5th August 1937 and the Government of India, Finance Department endorsement No. D-4232-Ex. II, dated the 10th August 1937.]

(7) A Civil Officer belonging to the India Army Reserve of Officers, when called to Army service, is not a ' Military Officer ', as define in Fundamental Rule 9 (16) (*b*) and in his case ' pay ' as defined in Fundamental Rule 9 (21) (*a*) does not include ' rank pay ' received during the period of service in the Army. In such cases, the pay which the Government servant would have received if he had not been called to Army service, and not the ' rank pay ' actually drawn during that period, should be taken into account for purposes of calculating leave salary based on average pay under the Fundamental Rules.

[G.I., F.D. letter No. F.7 (1)-R.I/39, dated the 11th March 1939.]

(8) See item (6) of the Government of India's decisions below S.R. 17.

(9) Wireless proficiency pay granted to the wireless operators will be treated as pay under Fundamental Rule 9 (21) (*a*) (*iii*).

[F.A. (C's) endorsement No. Es. B-401-23/39/A, dated the 10th February 1942.

Audit Instructions.—

(1) *Language Allowances.*—If these are lump sum allowances they will be dealt with under Fundamental Rule 46. If they are recurring payments, they will fall under the head "pay" under Fundamental Rule 9 (21) (*a*).

[Para. 6 (*i*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(2) If the allowances granted to medical officers in medical charge of Railway employees are paid from general revenues they may be classified as 'special pay'. If they are paid by companies they cannot be treated as 'special pay' unless contribution is paid.

[Para. 6 (*ii*), Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(3) See item 6 of the Audit Instructions below F.R. 9 (2) in this Section.

Auditor General's decision.—It has been decided with the concurrence of the Central Government, that a Civil Officer undergoing Military training, is not a 'military officer', as defined in F.R. 9 (16) (*b*) and in his case "pay" as defined in F.R. 9 (21) (*a*) does not include 'rank pay' received during the period of training.

[Ar. G's letter No. 958-AC/139-38, dated the 29th December 1938.]

(22) ***Permanent post*** means a post carrying a definite rate of pay sanctioned without limit of time.

(23) ***Personal pay*** means additicnal pay granted to a Government servant—

[1](a) to save him from a loss of substantive pay in respect of a permanent post other than a tenure post due to a revision of pay or to any reduction of such substantive pay otherwise than as a disciplinary measure ; or

(b) in exceptional circumstances, on other personal considerations.

Government of India's decision.—In supersession of all previous orders on the subject it has been decided that all cases in which it is proposed to grant personal pay under Fundamental Rule 9 (23) (*b*) may be referred to the Government of India, Finance Department, through the Administrative Departments concerned. No case will be entertained which is not of an entirely exceptional character and in submitting cases for the grant of personal pay this should be carefully borne in mind.

[G.I., F.D. letters No. F./14-XXII-Ex. II, dated the 28th September 1936 and No. F. 16 (14)-Ex. I/38, dated the 16th August 1938.]

(24) ***Presumptive pay of a post,*** when used with reference to any particular Government servant, means the pay to which he would be entitled if he held the post substantively

[1] The amended clause has effect from the 18th March 1930.

and were performing its duties ; but it does not include special pay unless the Government servant performs or discharges the work or responsibility, or is exposed to the unhealthy conditions, in consideration of which the special pay was sanctioned.

Audit Instruction.—Presumptive pay of a post.—The first part of the definition is intended to facilitate the use of the term in relation to a Government servant who has been absent from a post for some time but still retains a lien on it.

[Para. 7, Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

(25) ***Special pay*** means an addition, of the nature of pay, to the emoluments of a post or of a Government servant, granted in consideration of—

(a) the specially arduous nature of the duties; or

(b) a specific addition to the work or responsibility ; or

(c) the unhealthiness of the locality in which the work is performed.

Secretary of State's decision.—The Secretary of State in Council is of the opinion that, provided the sanctioning authorities limit the allowances granted on account of the unhealthiness of a locality to cases in which the locality is really likely to cause illness or impaired vitality, it is reasonable that they should be taken into account in calculating leave-salary and pension. The Secretary of State in Council desires that the attention of local Governments should be called to the fact that this limitation is inherent in the rule as it stands, and he has observed that the local Governments will no doubt re-examine any case in which they have reason to suppose that this condition has not been satisfied or does not continue to be satisfied.

G.I., F.D. No. 914-C.S.R., dated the 8th May 1924.]

Government of India's Orders.—

(1) Duty allowances now termed as special pay should continue to be left out of account in determining the rate of allowances admissible under the Calcutta, Bombay and Rangoon House Allowance Scheme to officers of the Posts and Telegraphs Department.

[G.I., P.W.D. No. 644-P.W., dated the 10th April 1923.]

(2) The $\frac{\text{Director General}}{\text{Heads of Circles}}$ of the Indian Posts and Telegraphs Department $\frac{\text{is}}{\text{are}}$ authorised to sanction the grant of special pay or of compensatory or house-rent allowance to a Government servant in permanent employ in any locality at the rates and subject to the conditions laid down by the Government of India for Government servants of similar status in the same locality, provided that the maximum pay of his post *plus* the special pay does not exceed the limit of $\frac{\text{Rs. } 350}{\text{Rs. } 200}$ a month.

G.I., I. & L. D., letter No. 27-P.T.E., dated the 14th November 1928.]

(3) See Item (3) of ' Government of India's orders ' under F.R.9 (5) in this Section.

(4) The Director General, Posts and Telegraphs, has been authorised to sanction the grant of special pay or compensatory allowance (including house-rent allowance) or both to the holder of a temporary post created by the Director General in any locality, at the rate and subject to the conditions laid down by the Governor General in Council for permanent officials of the Indian Posts and Telegraphs Department of similar status serving in the same locality provided that the pay of the temporary post *plus* the special pay does not exceed Rs. 350 a month.

[G.I., I. & L. D. letter No. 150-Est. A/29-Coll. II, dated the 14th January 1931.]

Audit Instruction.—When special pay has been sanctioned in the form of a portion or percentage of pay in the ordinary line and the pay in the ordinary line includes an element of sterling overseas pay, such special pay should be determined as follows :—

(*a*) the special pay is admissible on the sterling overseas pay as well as on the rupee basic pay ;

(*b*) the special pay must be expressed and drawn wholly in rupees ;

(*c*) the sterling overseas pay should for the purpose of calculating the special pay be converted into rupees at the rate of 1s. 6d. to the rupee.

[Para. 8, Chap. II, Sec. I of Manual of Audit Instructions (Reprint).]

Audit Ruling.—A provision in the contract of a Government servant appointed to a particular post that he should " also do all things that may be required of him " does not contemplate his being required to perform onerous additional duties in another post without remuneration.

[Ruling (6), Sec. IV of Compilation of Audit Rulings.]

(26) *Statutory Civil Servant* means a native of India who was appointed, under notification of the Government of India in the Home Department, No. 1534, dated the 22nd August 1879, to an office, place or employment mentioned in section 6 of Statute 33 Vict., Chapter 3.

(27) *Subsistence grant* means a monthly grant made to a Government servant who is not in receipt of pay or leave-salary.

[1][2]**(28) *Substantive pay* means the pay other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9 (21) (a) (iii), to which a Government servant is entitled on account of a post to which he has been appointed substantively or by reason of his substantive position in a cadre.**

[2]**NOTE.—In the case of a piece-worker in the Government of India Presses, when appointed to a post on a time-scale, " substantive pay " shall be deemed to be equivalent to two hundred times his hourly class rate.**

[1] This amended clause has effect from the 18th March 1930.

[2] Inserted by G.I., F.D .Resolution No. F. 8 (14)-Ex. I/39, dated the 7th December

Government of India's decision.—Marriage allowance and Lodging allowance of Military Officers in the Army come within the definition of 'Substantive pay' so long as they continue to be treated as part of 'pay'.

[Ar. G's Endorsement No. 281-A/289-35, dated the 15th August 1936.]

(29) ***Technical pay*** means pay granted to a Government servant in consideration of the fact that he has received technical training in Europe.

(30) ***Temporary post*** means a post carrying a definite rate of pay sanctioned for a limited time.

Government of India's decisions—

(1) An extension of a temporary post necessary to cover the period of leave granted to its holder, is expedient only when the grant of leave involves 'no expense to Government' but improper in the absence of this condition.

[G. I., F. D. No. F. 11(5)-R-I/33, dated the 1st April 1933].

(2) The Government of India have decided in consultation with the Auditor General that substantive appointments to temporary posts should be made in a limited number of cases only as, e.g., when posts are to all intents and purposes *quasi*-permanent or when they have been sanctioned for a period of not less than, or there is reason to believe that they will not terminate within a period of, three years. In all other cases, appointments to temporary posts should be made in an officiating capacity only.

[G. I., F. D. Office Memorandum No. F 8(10)-Ex. I/38, dated the 15th July 1938.]

Auditor General's decision.—A temporary post can be held either substantively or in an officiating capacity.

[Ar. G's. No. 828-Code/117-22, dated the 11th December 1922.]

[1](30A). ***Tenure post*** means a permanent post which an individual Government servant may not hold for more than a limited period.

Note.—In case of doubt, a Local Government may decide whether a particular post is or is not a tenure post.

(31) (a) ***Time-scale pay*** means pay which, subject to any conditions prescribed in these rules, rises by periodical increments from a minimum to a maximum. It includes the class of pay hitherto known as progressive.

[2](b) Time-scales are said to be ***identical*** if the minimum, the maximum, the period of increment and the rate of increment of the time-scales are identical.

[2](c) A post is said to be on the ***same*** time-scale as another post on a time-scale if the two time-scales are identical and the posts fall within a cadre, or a class in a cadre, such

[1] This new clause has effect from the 18th March 1930.

[2] These new sub-clauses have effect from the 18th March 1930.

cadre or class having been created in order to fill all posts involving duties of approximately the same character or degree of responsibility, in a service or establishment or group of establishments ; so that the pay of the holder of any particular post is determined by his position in the cadre or class and not by the fact that he holds that post.

Government of India's orders.—The Government of India have decided that, to find the average cost of an appointment in the junior scale of an All-India Service, formula (3) mentioned in the Audit Instruction below should be used and that such proportion of overseas pay should be added to the minimum basic pay, as well as to the basic pay just before promotion to the Senior Scale, as the number of persons drawing overseas pay in the Junior Scale bears to the total number of persons in that scale.

[G. I., F. D. letter No. F-39-II-Ex. I-/31, dated the 2nd April 1931].

Audit Instruction—

Method of calculation of average pay of a post on a time scale of pay.—(1) In the case of gazetted appointments on time scales of pay the following formula may be applied for ascertaining the average pay :—

$$\text{Average pay} = \frac{A+B}{2} + \frac{(B-A)}{2}\left[1-(R+1)\left\{.011+\frac{1-.01\,R}{F-E}\right\}\right]$$

Where A = Minimum pay,

B = Maximum pay,

R = Period of rise,

E = Average age at entry in the grade, and

F = Average age at retirement on superannuation pension. This may be taken to be 55 in almost every case unless there are special reasons to take it either at a lower or a higher figure.

(2) In the case of non gazetted posts on time scales of pay, the following formula is to be applied :—

$$\text{Average pay} = \frac{A+B}{2} + \frac{(B-A)}{2}\left[1-(R+1)\left\{.021+\frac{1-.015R}{F-E}\right\}\right]$$

Where A = Minimum pay,

B = Maximum pay,

R = Period of rise,

E = Average age at entry in the grade, and

F = Average age at retirement on superannuation pension. This may be taken to be 55 in almost every case unless there are special reasons to take it either at a lower or a higher figure.

(3) In cases where one grade is the channel of promotion to another grade, that is to say, where every body in the first grade is ultimately promoted to the second grade the following formula may be adopted to find the average cost of appointments in the first grade.

$$\text{Average pay} = \frac{A+C}{2} + \frac{(C-A)}{2}\left[1-(S+1)\left\{.006+\frac{1-\cdot 004\ S}{G-E}\right\}\right]$$

Where A = Minimum pay,

C = Pay just before promotion to the second grade,

S = period of rise from A to C,

E = average age at entry in the first grade, and

G = average age at the time of promotion to the second grade.

(4) The following formula should be restricted to cases involving an elaborate scale, consisting of two or more sections with efficiency bars at one or more stages :—

$$\text{Average pay} = \tfrac{1}{2}(A+W_1B_1+W_2B_2+X_1C_1+X_2C_2)$$

Where A = The initial pay of the scale,

B_1, B_2 = the maximum pay of the different sections of the scale such as the ordinary scale, the scale for passed clerks.

W_1, W_2 = the proportion of the establishment which would normally reach the maxima of B_1, B_2, respectively.

C_1, C_2 = the pay at the different efficiency bars, and

X_1, X_2 = the proportion of the establishment which would normally be detained at C_1, C_2, respectively.

[Para. 9, Chapter II, Section I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—In connection with a proposal for revision of pay of inferior Government servants in an office, a question was raised whether in calculating the average cost any of the formulae, and, if so, which, prescribed in the Audit Instruction above, should be applied. Formula 2 seemed to be the appropriate one but there was some doubt as there was no limit to the age at entry of inferior Government servants and that at retirement also would vary (60 years in the case of new entrants and 65 years in the case of Government servants appointed before the 1st April 1936). The Auditor General has decided that formula (2) is the appropriate formula to be applied in the case. As

the service of the inferior servants in the office is local the average age at entry should be worked out by taking the ages at entry of all the inferior servants in service at the time and dividing the total by the number of inferior servants in the establishment.

As almost all of the inferior servants in the office must have been appointed before the 1st April 1936, and will generally retire at 65, it may be taken that there are special reasons to take the average age at retirement as 65 in this case.

[Ar. G's. letter No. 838-NGE/240-36, dated the 22nd May 1936.]

(32) ***Travelling allowance*** means an allowance granted to a Government servant to cover the expenses which he incurs in travelling in the interests of the public service. It includes allowances granted for the maintenance of conveyances, horses and tents.

PART II.

Chapter III.—General Conditions of Service.

F. R. 10. Except as provided by this rule, no person may be [1][* * *] appointed in India to a [1][* * *] post in Government service without a medical certificate of health, which must be affixed to his first pay bill. A local Government may make rules prescribing the forms in which medical certificates should be prepared, and the particular medical or other officers by whom they should be signed. It may, in individual cases, dispense with the production of a certificate, and may by general orders exempt any specified class of Government servants from the operation of this rule.

[For rules made by the Governor General in Council, under Fundamental Rule 10, see Supplementary Rules 3, 4 and 4-A.]

{For Administrative Instructions issued by the Governor General in Council in connection with Fundamental Rule 10 regarding ***conditions of age on appointment to Government service,*** *see Part I of Appendix No. 3 in Volume II of this Compilation.]*

Government of India's orders.— Once a person is asked to produce a medical certificate of fitness for entry into Government Service whether in a permanent or temporary capacity and has actually been examined and declared unfit, it is not open to the authorities exercising the powers of a local Government to use their discretion to ignore the certificate that has been produced.

[G. I., F. D., Endorsement No. F. 6(13)-R. II/44, dated the 11th May 1944.]

F. R. 11. Unless in any case it be otherwise distinctly provided, the whole time of a Government servant is at the disposal of the Government which pays him, and he may be employed in any manner required by proper authority, without claim for additional remuneration, whether the services required of him are such as would ordinarily be remunerated from general revenues, from a local fund or from the revenues of an Indian State.

F. R. 12. (a) Two or more Government servants cannot be appointed substantively to the same permanent post at the same time.

(b) A Government servant cannot be appointed substantively except as a temporary measure, to two or more permanent posts at the same time.

(c) A Government servant cannot be appointed substantively to a post on which another Government servant holds a lien.

[2] F. R. 12-A. Unless in any case it be otherwise provided in these Rules, a Government servant on substantive appointment to any permanent post acquires a lien on that post and ceases to hold any lien previously acquired on any other post.

[1][]The words "substantively" and "permanent" were deleted by G. I., F. D., Notification No. F. 6(22)-R. II/42, dated the 22nd August 1942.

[2]This new rule has effect from the 29th May 1934.

[1] **F.R. 13. Unless his lien is suspended under Rule 14 or transferred under Rule 14-B, a Government servant holding substantively a permanent post retains a lien on that post :—**

(a) while performing the duties of that post ;

(b) while on foreign service, or holding a temporary post, or officiating in another post ;

(c) during joining time on transfer to another post ; unless he is transferred substantively to a post on lower pay, in which case his lien is transferred to the new post from the date on which he is relieved of his duties in the old post ;

(d) subject to the exception in sub-rule (2) of Rule 97, while on leave ; and

(e) while under suspension.

Government of India's orders.—All officers of the Army in India Reserve of Officers who are employed under the Central Government shall, when called to Army Service, retain a lien on their civil posts during the period for which they are called to Army Service.

[G. I., F. D., Endorsement No. F-31-R. I, 29, dated the 19th March 1929.]

[2]**F. R. 14. (a) The Governor General in Council shall suspend the lien of a Government servant on a permanent post which he holds substantively if he is appointed in a substantive capacity—**

(1) to a tenure post, or

(2) to a permanent post outside the cadre on which he is borne, or

(3) provisionally, to a post on which another Government servant would hold a lien had his lien not been suspended under this rule.

(b) The Governor General in Council may, at his option, suspend the lien of a Government servant on a permanent post which he holds substantively if he is deputed out of India or transferred to foreign service, or, in circumstances not covered by clause (a) of this Rule, is transferred, whether in a substantive or officiating capacity, to a post in another cadre, and if in any of these cases there is reason to believe that he will remain absent from the post on which he holds a lien for a period of not less than three years.

(c) Notwithstanding anything contained in clause (a) or (b) of this Rule, a Government servant's lien on a tenure post may in no circumstances be suspended. If he is appointed substantively to another permanent post, his lien on the tenure post must be terminated.

(d) If a Government servant's lien on a post is suspended under clause (a) or (b) of this Rule, the post may be filled substantively and the

[2] This revised rule has effect from the 29th May 1934.

Government servant appointed to hold it substantively shall acquire a lien on it ; provided that the arrangements shall be reversed as soon as the suspended lien revives.

Note 1.—This clause applies if the post concerned is a post in a selection grade of a cadre.

Note 2.—When a post is filled substantively under this clause, the appointment will be termed a provisional appointment ; the Government servant appointed will hold a provisional lien on the post ; and that lien will be liable to suspension under clause (a) or (b) of this Rule.

(e) A Government servant's lien which has been suspended under clause (a) of this Rule shall revive as soon as he ceases to hold a lien on a post of the nature specified in sub-clause (1), (2) or (3) of that clause.

(f) A Government servant's lien which has been suspended under clause (b) of this Rule shall revive as soon as he ceases to be on deputation out of India or on foreign service or to hold a post in another cadre, provided that a suspended lien shall not revive because the Government servant takes leave if there is reason to believe that he will, on return from leave, continue to be on deputation out of India or on foreign service or to hold a post in another cadre and the total period of absence on duty will not fall short of three years or that he will hold substantively a post of the nature specified in sub-clause (1), (2) or (3) of clause (a).

Government of India's decision—When it is known that a Government servant on transfer to a post outside his cadre is due to retire on superannuation pension within three years of his transfer, his lien on the permanent post cannot be suspended.

[G. I., F. D. letter No. F. 12(16)-R. I 38, dated the 29th July 1938, to the Government of Bombay, copy received with letter No. GI-4233, dated November 1943, from the A.G., Bombay].

[1]F. R. 14-A. (a) Except as provided in clause (c) of this Rule and Rule 97, a Government servant's lien on a post may in no circumstances be terminated, even with his consent, if the result will be to leave him without a lien or a suspended lien upon a permanent post.

(b) In a case covered by sub-clause (2) of clause (a) of Rule 14, the suspended lien may not, except on the written request of the Government servant concerned, be terminated while the Government servant remains in Government service.

(c) Notwithstanding the provisions of Rule 14 (a), the lien of a Government servant holding substantively a permanent post shall be terminated on his appointment substantively to any of the offices referred to in sub-rule (1) of Rule 97 or to the post of Chief Engineer of the Public Works Department.

Government of India's decision.—In a case covered by Fundamental Rule 14(a)(2) where a Government servant is appointed in a substantive capacity to a permanent post outside the cadre on which he is borne,

[1]This new rule has effect from the 29th May 1934.

Fundamental Rule 14-A(b) precludes permanently the termination of his suspended lien unless and until a written request to that effect is received from him.

[Ar. G's. Endorsement No. 71-A/39-41, dated the 12th February 1941.]

F. R. 14-B. Subject to the provisions of Rule 15, the Governor General in Council may transfer to another permanent post in the same cadre the lien of a Government servant who is not performing the duties of the post to which the lien relates, even if that lien has been suspended.

[2]F. R. 15. (a) The Governor General in Council may transfer a Government servant from one post to another ; provided that, except—

(1) on account of inefficiency or misbehaviour, or

(2) on his written request,

a Government servant shall not be transferred substantively to, or, except in a case covered by Rule 49, appointed to officiate in, a post carrying less pay than the pay of the permanent post on which he holds a lien, or would hold a lien had his lien not been suspended under Rule 14.

(b) Nothing contained in clause (a) of this Rule or in clause (13) of Rule 9 shall operate to prevent the retransfer of a Government servant to the post on which he would hold a lien, had it not been suspended in accordance with the provisions of clause (a) of Rule 14.

Government of India's decision.—Permanent transfers from a higher to a lower scale in anticipation of the abolition of a post are not transfers within the meaning of F. R. 15.

[G. I., F. D., letter No. F-452-R. I/27, dated the 1st February 1928.]

F. R. 16. A Government servant may be required to subscribe to a provident fund, a family pension fund or other similar fund in accordance with such rules as the Secretary of State in Council may by order prescribe.

F. R. 17. (1) Subject to any exceptions specifically made in these rules and to the provision of sub-rule (2), an officer shall begin to draw the pay and allowances attached to his tenure of a post with effect from the date when he assumes the duties of that post, and shall cease to draw them as soon as he ceases to discharge those duties.

(2) The date from which a person recruited overseas shall commence to draw pay on first appointment shall be determined by the general or special orders of the authority by whom he is appointed.

[*For Administrative Instructions issued by the Governor General in Council regarding "**Charge of Office**" and "**Leaving Jurisdiction**", see Part II of Appendix No. 3 in Volume II of this Compilation.*]

Orders issued by the Governor General in Council under Fundamental Rule 17 (2).—With reference to clause (2) of this rule, the Governor

[1] This new rule has effect from the 29th May 1934.

[2] This revised rule has effect from the 29th May 1934.

General in Council has decided that the pay of officers recruited overseas who are entitled to a first class passage to India, shall commence from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay. In the case of officers who receive a second class passage, pay shall commence from the date of embarkation for India.

[G. I., F. D. Resolution No. F-7-XX-R. I/28, dated the 19th May 1928.]

Audit Instructions—

(1) A Government servant will begin to draw the pay and allowances attached to his tenure of a post with effect from the date on which he assumes the duties of that post if the charge is transferred before noon of that date. If the charge is transferred after noon, he commences to draw them from the following day. This rule does not, however, apply to cases in which it is the recognised practice to pay a Government servant at a higher rate for more important duties performed during a part only of a day.

[Para. 1, Chap. III, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Officers appointed by the Secretary of State elsewhere than in India, who are entitled to first class passages on appointment, commence on first appointment to draw pay from the date of disembarkation, subject to their proceeding to take up their duties without avoidable delay.

Note 1.—The date of disembarkation mentioned in this Audit Instruction refers to the date of disembarkation at a port in India. Colombo should not be treated as a port in India for the purpose of these orders.

Note 2.—For the interpretation of the expression 'without avoidable delay', occuring in this Audit Instruction see item (3) below.

[Para. 2(i), Chap. III, Sec. I of Manual of Audit Instructions (Reprint).]

(3) When officers recruited overseas, who are entitled to first class passages to India, are prevented from proceeding at once from the port of dis-embarkation in India to take up their appointment owing to either illness or private affairs, they should be granted 'leave not due' under F. R.-81 (*c*) (*i*) or (*ii*) as the circumstances of the case may require.

The phrase 'without avoidable delay' occurring in Appendix I-A to the Supplementary Rules and in the similar orders issued by the Secretary of State refers only to delay on the part of the officer in reporting himself for duty (either at the local Government's headquarters or at the actual place of duty, as the case may be) and not to delay in actually taking up his duties thereafter. The stipulation underlying the phrase should be regarded as fulfilled if the officer reports for duty within the period allowed by the joining time rules with only one day (instead of 6 days) for preparation at the port of dis-embarkation, and any excess over that number of days should be treated as 'leave not due'.

The minimum of the officer's time-scale of pay (including overseas pay) may be treated as his average pay for the purpose of calculating half

average pay for the period of 'leave not due', as well as for the purpose of allowing the minima of half average pay not exceeding the average pay under F. R. 90.

[Para. 31, Sec. II of Manual of Audit Instructions (Reprint).]

Audit Ruling.—The service of an officer of the Telegraph Department recruited in England begins from the date mentioned in his contract with the Secretary of State even if the conditions of Article 631(*ii*), Civil Service Regulations, are not strictly fulfilled.

[Ruling (29), Sec. V of Compilation of Audit Rulings.]

F. R. 18. Unless the Governor General in Council, in view of the special circumstances of the case, shall otherwise determine, after five years' continuous absence from duty, elsewhere than on foreign service in India, whether with or without leave, a Government servant ceases to be in Government employ.

PART III.

Chapter IV —Pay.

F. R. 19. Subject to the provisions of rules made under section 45-A of the Act, and to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, the fixation of pay is within the competence of a local Government; provided that, except in the case of personal pay granted in the circumstances defined in Rule 9(23)(a), the pay of a Government servant shall not be so increased as to exceed the pay sanctioned for his post without the sanction of an authority competent to create a post in the same cadre on a rate of pay equal to his pay when increased.

Audit Instruction.—It is not the intention of Fundamental Rule 19 (1) that it should give a local Government power to grant less pay than is permissible under Fundamental Rules 22 and 23.

[Para. 1, Chap. IV, Sec. I of Manual of Audit Instrucions (Reprint).]

Auditor General's decision.—The rule does not give a local Government power to grant pay in excess of what is permissible under other rules in the Fundamental Rules. Thus it does not enable a local Government to grant an initial pay higher than what is permissible under Fundamental Rule 22. But once an initial pay is fixed under Fundamental Rule 22, Fundamental Rule 27 enables an authority mentioned therein to grant advance increment immediately. Thus in fact, Fundamental Rules 22 and 27 read together enable an authority mentioned in Fundamental Rule 27 to fix initial pay in excess of the amount permissible by Fundamental Rule 22 only.

[Ar. G's No. 1164-A/408-23, dated the 20th November 1923.]

F. R. 20. When a Government servant is treated as on duty under Rule 9 (6) (b), the local Government may, at their option, authorise payment to him of the pay of his substantive appointment, or of any lower rate of pay which the local Government may consider suitable. If the duty consists in a course of training or instruction, the pay admissible may, if the local Government so direct, be, instead of either of the rates just specified, the pay of any officiating appointment held by the officer at the time he was placed on such duty, but this rate of pay shall not be allowed for a period longer than that for which the officer would have held the officiating appointment had he not been placed upon a course.

Government of India's orders.—

(1) The station service Telegraphists selected for training in connection with the Wheatstone method of working on the Madras-Rangoon wireless circuit should not be granted the General Service scale of pay while under training, but only after they actually take charge of their new duties on completion of their training.

[G.I., I. & L.D., letter No. 39-T, dated the 20th June 1929.]

(2) Civilian Government servants, while undergoing training in the Army in India Reserve of Officers, will draw pay in accordance with the rule in paragraph 38, Appendix XXX, Regulations for the Army in India.

[G.I., F.D., No. F-111-R.I/30, dated the 16th August 1930.]

(3) Vide item (9) of the Government of India's orders below Fundamental Rule 9(6).

[F.O. C's Endorsement No. Es. B.-82-1/37, dated the 25th November 1937.]

(4) If a telegraphist happens to officiate as a Telegraph Master as a local arrangement, or holds temporarily or permanently any post carrying special pay such as the post of Baudot Supervisor, etc., at the time of his deputation to Calcutta for practical training for promotion to the grade of Telegraph Master which he may be required to undergo in the office of the Electrical Engineer-in-Chief, Alipore, and in the Central Telegraph Office, Calcutta, in accordance with the Director General's circular No. 34, dated the 13th March 1939, he should not be given the officiating pay of Telegraph Master or special pay during the period of his practical training.

N.B.—Please see item (12) of the Government of India's orders below Fundamental Rule 9(6).

[F.O.(C). No. EsA-151/39 Coll. 2, dated the 8th December 1939.]

Government of India's decisions.—

(1) A Government servant, who, as an officer of the Army in India Reserve, carries out his military training on the expiry of leave out of India taken from his civil appointment, and before rejoining his civil appointment for duty, should receive pay as follows :—

(i) Joining time civil pay from the date of disembarkation in India to the date preceding that on which his military training commenced.

(ii) Full civil pay during the period of training.

[This decision takes effect from the 21st July 1931, and has retrospective effect to cover any outstanding cases which are under consideration on this date.]

[G.I., F.D., No. F-14 (25)-R. I/31, dated the 17th August 1931.]

(2) A reservist of the Indian Army in Civil employ will, when called up for periodical military training, receive military pay and allowances. He will also receive the excess, if any, of the Civil pay over his military pay, provided that this concession is specifically sanctioned by the Department of the Government of India or attached and subordinate office concerned, or by the Local Government in whose employ the reservist is serving in his Civil capacity. Except where the Civil pay of the reservist is met from the Army Estimates the extra expenditure involved will not constitute a charge against the Army Estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of Civil leave, and increments of Civil pay.

G .I., F.D., No. F.22-R.I/32, dated the 14th April 1932 and Government of India, War Department (Navy Branch) letter No. P.S./11110/N.H.Q., dated the 1st October 1942, copy received under Government of India, Finance Deptt. endorsement No. D-2504-R I/42, dated the 3rd November 1942.]

(3) It has been decided that when an Assistant Divisional Engineer, Telegraphs, holding charge of a Division is placed on traffic training, he should be given pay on the senior scale for that period only during which he would have continued to hold charge of a Division but for his trainings.

[F.A., P. & T's. Endorsement No. S-105/5, dated the 10th April 1933.]

(4) See item (11) of the Government of India's orders below F.R. 9 (6) in this Section.

(5) A reservist of the Royal Indian Fleet Reserve in civil Government employ will, when called up for periodical training, receive naval pay and allowances. He will also receive the excess, if any, of his civil pay over his naval pay, provided that this concession is specifically sanctioned by the Department of the Government of India affected, or its attached and subordinate offices, or by the Provincial Government concerned, in whose employ the reservist is serving in his civil capacity, and provided also that (except when his civil pay is also met from the naval estimates) the extra expenditure involved does not constitute a charge against the Naval estimates.

The periods spent in training and on the journey to and from the place of training will be treated as duty for purposes of civil leave, and increments of civil pay.

[Government of India, Defence Department (Navy Branch), letter No. 658-N, dated the 15th May 1940, received with Government of India, Finance Department, endorsement No. 2330-Ex. I/40, dated the 6th June 1940 and Government of India, War Department (Navy Branch) letter No. P.S./11110/N.H.Q., dated the 1st October 1942, copy received under Government of India, Finance Department, endorsement No. D-2504-R.I/42, dated the 3rd November 1942.]

(6) The incidence of the civil pay of a Government servant, who is a member of the R.I.N.V.R. or the R.I.N.R., when called up for training, should be governed on the analogy of Rule 6 of Part B (I) of Appendix 3 to the Account Code, Volume I (1940 Edition).

[G.I., Defence Deptt. (Navy Branch), letter No. 134-N, dated the 18th January 1941, G.I. F.D., Endorsement No. D-729-W., dated the 4th February 1941, copies received under the Auditor General's endorsement No. 74-AC/34-41, dated the 13th February 1941.]

(7) *See* item (18) of the Government of India's orders below Fundamental Rule 9(6).

[F.A.(C's) Endorsement No. EsB221/5/42, dated the 8th December 1942.]

(8) Departmental officials sent for the prescribed three months' course of training in the Electrical Engineer-in-Chief's office for appointment as Wiremen in the Engineering Branch of the Posts and Telegraphs Department will be granted compensatory allowance at Rs. 10 per month in addition to their substantive pay in respect of the permanent officials and pay drawn before joining the training classes in respect of the temporary officials. The allowance will not be admissible to officials deputed locally.

[F.A.(C's) Endorsement No. A-5-14/43, dated the 13th April 1943 and F.A.(C's) Endorsement No. A-5-14/43, dated the 10th January 1944.]

(9) *See* item (21) of Government of India's orders below Fundamental Rule 9(6).

(10) Departmental officials while undergoing training in the office of the Electrical Engineer in Chief, Jubbulpore, for employment as wiremen will be granted compensatory allowance at Rs. 8 (Rupees Eight) per mensem. The allowance will not be admissible to officials deputed locally.

[F.A.(C's) Endorsement No. A-9-62/43, dated the 7th February 1944.]

(11) *See* item (23) of the Government of India's orders below Fundamental Rule 9 (6).

Audit Instructions—

(1) A Government servant who is treated as on duty during a course of instruction or training and who, at the time when he was placed on such duty, was drawing higher pay on account of an officiating appointment may on every occasion during the period of instruction or training when he would have held that officiating appointment but for such instruction or training, be allowed to draw pay equivalent to what he would have drawn had he been holding the officiating appointment.

[Para. 2 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expressions "the pay of his substantive appointment" and "the pay of any officiating appointment" occurring in F. R. 20 should be taken to mean "the *pay* which the Government servant drew in the post which he held substantively" and "the pay which the Government servant drew in the post in which he officiated" respectively. In neither case is there any restriction on the *kind* of 'pay' to be drawn, and the expressions should therefore be held to include special pay, if any, which the Government servant drew in the post which he held substantively or in an officiating capacity.

[Para. 2(ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 21. *Time-scale Pay.*—Rules 22 to 29 inclusive and Rule [1][31] apply to time-scales of pay generally. They do not, however, apply to any time-scale sanctioned by the Secretary of State in Council in so far as they are inconsistent with terms specially so sanctioned for such time-scale.

[2]F. R. 22. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay is regulated as follows :—

(a) If he holds a lien on a permanent post, other than a tenure post, or would hold a lien on such a post had his lien not been suspended [3] [*] —

(i) When appointment to the new post involves the assumption of duties or responsibilities of greater importance (as interpreted for the purposes of Rule 30) than those attaching to such permanent post, he will draw as initial pay the stage of the time-scale next above his substantive pay in respect of the old post;

(ii) when appointment to the new post does not involve such assumption, he will draw as initial pay the stage of the time-scale which is equal to his substantive pay in respect of the old post, or, if there is no such stage, the stage next below that pay *plus* personal pay equal to the difference, and in either case will continue to draw that pay until such time

[1] [] Figure "31" has been substituted for figure "32" with effect from the 18th March 1930.

[2] This revised rule has effect from the 18th March 1930.

[3] [*] Deleted with effect from the 29th May 1934.

as he would have received an increment in the time-scale of the old post or for the period after which an increment is earned in the time-scale of the new post, whichever is less. But if the minimum pay of the time-scale of the new post is higher than his substantive pay in respect of the old post, he will draw that minimum as initial pay ;

When appointment to the new post is made on [illegible]

under Rule 15(a) and the maximum pay in the time-scale of that post is less than his substantive pay in respect of the old post, he will draw that maximum as initial pay.

[2]Exception.—Telegraph Masters and telegraphists of the Indian Posts and Telegraphs Department who are at their own request transferred from "General Service" to "Station Service" and whose substantive pay in the General Service Scale is higher than the maximum pay of the time scale of the Station Service sanctioned for the Station to which they are transferred will, in addition to the maximum pay in the time-scale of such Station Service, draw personal pay equal to the difference between the two.

(b) If the conditions prescribed in clause (a) are not fulfilled, he will draw as initial pay the minimum of the time-scale.

Provided, both in cases covered by clause (a) [3] [and in cases, other than cases of re-employment after resignation from the public service, covered by clause (b),] that if he either—

(1) has previously held substantively or officiated in—

(i) the same post, or

(ii) a permanent or temporary post on the same time-scale, or

(iii) a permanent post other than a tenure post, on an identical time-scale, or a temporary post on an identical time-scale, such post being on the same time-scale as a permanent post ; or

(2) is appointed substantively to a tenure post on a time-scale identical with that of another tenure post which he has previously held substantively or in which he has previously officiated,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9(21)(a)(iii), which he drew on the last such occasion, and he shall count for increments the period during which he drew that pay on such last and any previous occasions. [4] [If, however, the pay last drawn by the

[1] This new sub-clause has effect from the 29th May 1934.

[2] This exception has effect from the 29th May 1934.

[3] [] Substituted for 'and in those covered by clause (b)', with effect from the 30th August 1932.

[4] [] Inserted by G.I., F.D., Notification No. D-5457-Ex. I/38, dated the 5th January 1935.

Government servant in a temporary post has been inflated by the grant of premature increments the pay which he would have drawn but for the grant of those increments shall, unless otherwise ordered by the authority competent to create the new post, be taken for the purposes of this proviso to be the pay which he last drew in the temporary post.]

[1]EXCEPTION. - The condition in paragraph (iii) of the first proviso that the temporary post should be on the same time-scale as a permanent post shall not be enforced when a temporary post is (i) created by one Government or Department for the purpose of work of the same nature as the ordinary work for which permanent posts exist in a cadre under a different Government or Department and (ii) sanctioned on a time-scale identical with the time-scale applicable to the permanent posts in the cadre under the different Government or Department.

NOTE 1.—If the Government servant is entitled to overseas pay in the new post but was not drawing overseas pay in the old post, the overseas pay in the new post shall not be taken into account in determining the stage in the time-scale of the new post to which he is entitled under clause (a).

NOTE 2.—For the purposes of this Rule sterling overseas pay shall be converted into rupees at such rate of exchange as the Secretary of State in Council may by order prescribe.

Government of India's decisions—

(1) The Governor General in Council has decided that reversion to the ordinary cadre of service from a tenure post included in that cadre or from a tenure or special post not included in it, does not constitute substantive appointment to a post for the purposes of F.R. 22.

[G.I., F.D., No. F-15-C.S.R.-27, dated the 22nd January 1927.]

(2) The Government of India have decided, after consultation with the Auditor General, that for the purposes of Fundamental Rules 22 and 30 a declaration as to the relative degrees of responsibility of two posts should be obtained from the administrative head of the department or the Government of India according as the posts are in the same or different departments.

[G.I., F.D., No. F/113-R.I/30, dated the 19th August 1930.]

(3) A question arose whether identical time-scales— one attached to posts whose pay is governed by the Civil Service Regulations and the other subject to conditions prescribed by the Fundamental Rules-could be treated as identical for the purpose of the Pay Chapter in the Fundamental Rules. It has been decided with the concurrence of the Auditor General that when two posts are on identical time-scales it is reasonable to hold that the duties and responsibilities to the posts are not very different in nature, irrespective of the fact whether the pay of the post is governed by the Civil Service Regulations or the Fundamental Rules, and that duty rendered in one of them may therefore be allowed to count towards increment in the other.

[G.I., F.D., letter No. F-14(12)-R.I/31, dated the 15th May 1931.]

[1]This exception has effect from the 31st March 1938.

Audit Instructions.—

(1) A time-scale may be of recent introduction, whereas the cadre or class to which it is attached may have been in existence on a graded scale before the time-scale came into force or it may be that one time-scale has taken the place of another.

If a Government servant has held substantively, or officiated in, a post in the cadre or class prior to the introduction of a new time-scale, and has drawn during the period salary or pay equal to a stage, or intermediate between two stages, in the new time-scale, then the initial pay in the new time-scale may be fixed at the salary or pay last drawn and the period during which it was drawn may be counted for increment in the same stage, or if the salary or pay was intermediate between two stages, in the lower stage of that time-scale.

[Para. 3(i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) *Regulation of pay of a Government servant in receipt of personal pay under F.R. 22 (a) (ii) when he earns his next increment.*—When the next increment in the time-scale of either the new or the old post falls due, the Government servant should draw the next increment in the time-scale of the *new post*, and forthwith lose the personal pay and all connection with the time-scale of the old post. The personal pay is given to a Government servant only for the purpose of initial pay and not at any subsequent stage in the new time-scale in which the Government servant might draw less pay than he would have drawn had he remained in the old time-scale.

[Para. 3(iii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The revised F. R. 22 is applicable in cases in which the occasion for fixation of pay arose on or after the date of effect of the revised rule, *i.e.*, the 18th March 1930. In cases where the occasion arose before the 18th March 1930 but the question of fixation of pay is taken up after that date, the *old* Rule 22 should be applied.

[Para. 3 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) For the purposes of F.Rs. 22 and 23, a temporary post on a certain rate of pay (fixed or time-scale) which is converted into a permanent post on a different rate of pay is not the "same post" as the permanent post even though the duties remain the same. In other words, in view of F.R. 9(30) the temporary post is to be regarded as having ceased to exist and to have been replaced by the permanent post. The incumbent of the temporary post is thus entitled only (to the pay of the permanent post if it is on a fixed rate of pay or) to the minimum of the time-scale of the permanent post if it is on a time-scale unless his case is covered by the concession admissible under provisos (1) (ii) and (1) (iii) to F.R. 22.

NOTE.—The provisions of Art. 370, Civil Service Regulations, are not affected by the decision in this paragraph.

[Para. 3(v), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The expression "if he holds a lien on a permanent post" occurring in clause (a) of Fundamental Rule 22 should be held to include the lien on a permanent post to which a Government servant is appointed in a provisional substantive capacity under Fundamental Rule 14(d), and the expression "substantive pay in respect of the old post" occurring in that rule should be held to include his substantive pay in respect of that provisional substantive appointment. Fundamental Rule 22(a) should, therefore, be held to permit the substantive pay in respect of a provisional substantive appointment being taken into account in determining his initial pay in another post to which he is appointed. When the initial pay of a Government servant in a post is thus fixed, it will not be affected even if during the tenure of his appointment to that post he reverts from his provisional appointment.

[Para. 3(vi), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 50, dated the 1st April 1940.]

(6) When a Government servant is appointed to officiate in a post on a time-scale of pay but has his pay fixed below the minimum of the time-scale under F.R. 35, he must not be treated as having effectually officiated in that post within the meaning of F.R. 22, or having rendered duty in it within the meaning of F.R.26. Such an officer on confirmation, should have his initial pay fixed under F.R. 22(b) and draw the next increment after he has put in duty for the usual period required calculated from the date of his confirmation.

[Para. 12(ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decisions.—

(1) Temporary posts on the usual time-scale rates of pay sanctioned for an Accounts Office form a temporary addition to the cadre of that office. Under the orders contained in G.I. F.D. letter No. F-15-C.S.R/27, dated the 22nd January 1927 [item (1) of ' Government of India's decisions ' above], reversion to the ordinary cadre of a service from a post outside the cadre does not constitute ' substantive appointment to a post, for the purpose of F.R. 22. When, therefore, a Government servant reverts from a temporary post which he held substantively to his former permanent substantive post, F.R. 22 does not apply.

[Ar. G's letter No. T-375-NGE/109-29, dated the 23rd May 1929.]

(2) It has come to the notice of the Auditor General that a specific declaration as to the relative degree of responsibility is sometimes called for by the Audit Officer even in cases where it is obvious beyond doubt that the duties attaching to the new post carry a higher degree of responsibility than those attaching to the old post. The Auditor General has decided that it is quite unnecessary for audit to require a statement of the obvious. A specific declaration under item (2) of Government of India's decisions above should be insisted upon only in cases where there is some doubt as to the relative degree of responsibilities attaching to the two posts.

[Ar. G's letter No. T-512-NGE/261-35, dated the 21st June 1935.]

(3) In the case of a Government servant appointed substantively to a post in which he had previously officiated and whose present substantive pay is the same as the pay which he drew when last officiating, *old* F.R. 22(b) laid down that he should draw an initial pay equal to that pay and count for increment in that stage the period during which he was drawing that pay. But the position has been altered deliberately in the revised F.R. 22 under which the initial pay of such a Government servant substantively appointed to a post should be fixed with reference to his substantive pay in respect of the old post. It has therefore been held that a Government servant when appointed to a post substantively while officiating in it is entitled to have his pay fixed anew under the revised F.R. 22 with reference to his substantive pay at the time in respect of his old permanent post.

[Ar. G's No. T-1176-A/170-34, dated the 11th September 1934.]

(4) In connection with the application of the Government of India's decision embodied in item (4) of the Audit Instructions above, a question was raised as to whether the decision would affect any of the existing Audit Instructions issued under Fundamental Rule 22.

The Auditor General has decided that the decision has no bearing on any of the Audit Instructions referred to above. The decision does not refer to cases of transfer from one temporary post to another such post or from a temporary post to a permanent post; it refers only to cases of conversion of a temporary post into a permanent one on a different rate of pay. There is also nothing in the decision of the Government of India which debars service in a temporary post, created as an addition to a cadre and on the same time-scale from counting towards increments in a permanent post in that cadre even after such a temporary post has been abolished. This position which obtained before the issue of the Government of India's decision remains unaffected even after the issue of that decision.

[Auditor General's endorsement No. 209-A/2-36, dated the 24-6-37, and U. O. No. 478-A/192-46, dated the 28-12-46.]

[1]**F. R. 22-A. The initial substantive pay of a Government servant who is appointed substantively to a post on a time-scale of pay which has been reduced for reasons other than a diminution in the duties or responsibilities attached to posts thereon and who is not entitled to draw pay on the time-scale as it stood prior to reduction, is regulated by Rule 22 provided, both in cases covered by clause (a) of that rule and in cases, other than those of re-employment after resignation from the public service, covered by clause (b), that if he either—**

(1) has previously held substantively or officiated in—

(i) the same post prior to reduction of its time-scale, or

(ii) a permanent or temporary post on the same time-scale as the unreduced time-scale of the post, or

[1]This new rule has effect from the 16th July 1931, in respect of personnel other than those governed by the Re-employed Personnel (conditions of service) Rules, 1932, the Re-employed personnel of the Experimental Accounts and Audit Offices (conditions of service) Rules, and the Re-employed Personnel of the Central Accounts Office, Public Works Department and the Central Public Works Department (conditions of service) Rules.

(iii) a permanent post other than a tenure post, or a temporary post, on a time-scale of pay identical with the unreduced time-scale of the post, such temporary post being on the same time-scale as a permanent post, or

(2) is appointed substantively to a tenure post the time-scale of which has been reduced without a diminution in the duties or responsibilities attached to it and has previously held substantively or officiated in another tenure post on a time-scale identical with the unreduced time-scale of the tenure post,

then the initial pay shall not be less than the pay, other than special pay, personal pay or emoluments classed as pay by the Governor General in Council under Rule 9(21)(a)(iii), which he would have drawn under Rule 22 on the last such occasion, if the reduced time-scale of pay had been in force from the beginning and he shall count for increments the period during which he would have drawn that pay on such last and any previous occasions.

[*For Re-employed Personnel (Conditions of Service) Rules, 1923, see Appendix No. 5-A in Volume II of this Compilation.*]

F. R. 23. The holder of a post, the pay of which is changed, shall be treated as if he were transferred to a new post on the new pay ; provided that he may at his option retain his old pay until the date on which he has earned his next or any subsequent increment on the old scale, or until he vacates his post or ceases to draw pay on that time-scale. The option once exercised is final.

Government of India's decision.—In connection with the application of Fundamental Rule 23 and Audit Instruction No. (2) below it a question was raised whether an official officiating in a higher scale on the date from which different posts on different scales in the same cadre were merged in a common scale, could exercise under Fundamental Rule 23 the option of retaining his officiating pay on old higher scale when all the posts of the different categories were on the same new scale from that date and no higher responsibility was involved.

The Government of India have decided with the concurrence of the Auditor General that the words " his old pay " in the proviso of the rule should be held to include not only the rate at which the individual was drawing his officiating pay on the crucial date but also the time-scale of pay in which he was drawing that pay. Thus for the period of option the old scale of pay in which he was drawing his officiating pay should be treated as continuing for the individual concerned and since he is entitled to retain his old pay during that period his drawing of that pay under the option need not depend on whether the constructive officiating appointment after the crucial date does or does not involve the assumption of duties and responsibilities of greater importance. The option,

however, ceases to operate once the individual concerned constructively ceases to officiate in the post or ceases to draw pay in the particular scale in which he was drawing the officiating pay.

Both the substantive part of Fundamental Rule 23 and its proviso cannot be operative at one and the same time. For the period during which the option exercised under the proviso operates, the substantive portion of the rule remains inoperative. Failure to exercise the option from whatever cause arising entails forfeiture of the benefit of the rule.

[G.I., F.D. letter C. No. 246-Admn. I.T./42, dated the 30th September 1942, to the Commissioners of Income-tax, Central and United Provinces.]

Audit Instructions—

(1) See item (4) of the Audit Instructions below F.R. 22 in this Section.

(2) This rule applies to an officiating as well as to a substantive holder of a post.

[Para. 4(i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) If the maximum pay of a post is altered with no change in the rate of increment and the minimum, the initial pay of the holder of that post should be fixed under F.R. 22(b) and not under F.R. 22 (a), even though he may be holding the post substantively.

[Para. 4 (ii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The expression " subsequent increment on the old scale " in the proviso to F.R. 23 should be held to include grade promotion in cases in which a time-scale of pay has been substituted for a graded scale of pay.

[Para. 4(iii), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 24. An increment shall ordinarily be drawn as a matter of course unless it is withheld. An increment may be withheld from a Government servant by a local Government, or by any authority to whom the local Government may delegate this power under Rule 6, if his conduct has not been good or his work has not been satisfactory. In ordering the withholding of an increment, the withholding authority shall state the period for which it is withheld, and whether the postponement shall have the effect of postponing future increments.

F. R. 25. Where an efficiency bar is prescribed in a time-scale, the increment next above the bar shall not be given to a Government servant without the specific sanction of the authority empowered to withhold increments.

Government of India's Order.—On each occasion on which an officer is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time scale at such stage as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service.

[G.I., H.D. letter No. F-917-Estt., dated the 2nd October 1922 ; also Ar.G's No. 997-A. & A./255-21, dated the 16th May 1921.]

Government of India's decision.—The cases of all officers held up at an efficiency bar should be reviewed annually with a view to determine whether the quality of their work has improved and, generally, whether the defects for which they were stopped at the bar have been remedied, to an extent sufficient to warrant the removal of the bar.

[G.I.,H.D. letter No. 9/1/42-Ests., dated the 25th April 1942 and G.I.,F.D. endorsement No.D-2919-Ex.II/42, dated the 13th May 1942, copies received under Ar.G's endorsement No. 1285-GBE/306-42, dated the 23rd May 1942.]

Audit Instruction.—With reference to the case of a member of the Indian Police it has been decided that the application of the efficiency bar in the junior time-scale should not affect an officer's pay in the senior time-scale; he should be paid in the latter scale according to his length of service, unless his pay in such scale is itself affected by the operation of an efficiency bar or by a disciplinary order passed in accordance with the Civil Services (Classification, Control and Appeal) Rules.

[Para. 5, Chap. IV. Sec. I of Manual of Audit Instructions (Reprint).]

Director General's Instructions.—The cases of all men held up at an efficiency bar should be reviewed annually and if they are subsequently allowed to cross the bar, it should not be given retrospective effect.

[D.G., P. & T's. G.O. No. 12, dated the 26th August 1924.]

F. R. 26. The following provisions prescribe the conditions on which service counts for increments in a time-scale :—

[1](a) All duty in a post on a time-scale counts for increments in at [illegible].

[2](b) Service in another post, whether in a substantive or officiating capacity, service on deputation and leave other than extraordinary leave count for increments in the time-scale applicable to the post on which the Government servant holds a lien, as well as in the time-scale applicable to the post or posts, if any, on which he would hold a lien had his lien not been suspended.

Provided that the Governor General in Council shall have power, in any case in which he is satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

[3](c) If a Government servant, while officiating in a post or holding a temporary post on a time-scale of pay, is appointed to officiate in a higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, if he is re-appointed to the lower post, count for increments in the time-scale applicable to such lower post.

[1]The amended clause has effect from the 19th March 1930.

[2]This revised clause has effect from the 29th May 1934.

[3]The amended clause has effect from the 18th March 1930.

[1][The period of officiating service in the higher post which counts for increment in the lower is however, restricted to the period during which the Government servant would have officiated in the lower post but for his appointment to the higher.] This clause applies also to a Government servant who is not actually officiating in the lower post at the time of his appointment to the higher post, but who would have so officiated had he not been appointed to the higher post.

(d) If a Government servant's tenure of a temporary post is interrupted by duty in another post or by leave other than extraordinary leave or by foreign service, such duty, leave or foreign service counts for increments in the time-scale applicable to the temporary post if the Government servant returns to the temporary post.

Provided that the local Government shall have power, in any case in which they are satisfied that the leave was taken on account of illness or for any other cause beyond the Government servant's control, to direct that extraordinary leave shall be counted for increments under this clause.

(e) **Foreign service counts for increments in the time-scale applicable to—**

[2](i) **The post in Government service on which the Government servant concerned holds a lien as well as the post or posts, if any, on which he would hold a lien had his lien not been suspended, and**

(ii) **any post to which he may receive officiating promotion under Rule 113 below, for the duration of such promotion.**

[*Example.*—A, pay Rs. 800—1,000 acted in the grade of Rs. 1,000—1,200 on the minimum pay from 16th April 1921 to 6th April 1922 and then proceeded on 10 months' leave on average pay from 7th April 1922. He was promoted substantively to the grade of Rs. 1,000—1,200 on 2nd August 1922 (while on leave).

He can count the period from 16th April 1921, to 6th April 1922 as well as the period of leave from 2nd August 1922 to 6th February 1923, for increment in the scale of Rs. 1,000—1,200 as he had a lien on a post in that grade with effect from that date [*vide* F. Rs. 12(*c*) and 26 (*b*).]

[Ar. G's.No. 816-A/239-23, dated the 24th July 1923.]

Secretary of State's orders—

(1) It has been sanctioned by the Secretary of State in Council that if a Government servant, while holding an 'administrative post in any of the Imperial services' within the meaning of paragraph 8 of Government of India, Finance Department Resolution No. 1559-E.A., dated 16th August 1921 (extract given below), is appointed to officiate in a

[1][] Inserted with the previous sanction of the Secretary of State in Council with effect from the 22nd January 1935.

[2]This revised sub-clause has effect from the 29th May 1934.

higher post or to hold a higher temporary post, his officiating or temporary service in the higher post shall, for the purposes of the orders in that paragraph, be regarded as service in the administrative post. This concession takes effect from 1st January 1922.

[India Office No. F-5225-24-Fin., dated the 5th January 1925, received with G.I., F.D. No. 1179-Ex., dated the 3rd February 1925.]

Finally, the Secretary of State has ordered that all temporary or officiating service in an administrative post in any of the Imperial services, and all service and leave during which a Government servant held a lien on such a post, or would have held a lien had it not been suspended, shall count for increments in the time-scale applicable to that post, whether such service be continuous or not. This rule should be so applied to officers at present holding administrative posts as to permit them to draw, with effect from the 30th April 1921, pay in the time-scale now applicable to those posts calculated on the assumption that all service of the kinds in question was counted for increments.

[Para. 8 of G.I., F.D. Resolution No. 1559-E.A., dated the 16th August 1921.]

(2) In connection with the leave taken by X,——— the Deputy Director, Intelligence ————, when the organisation was on a temporary basis, the question was raised whether the orders contained in paragraph 8 of the Finance Department Resolution No. 1559-E.A., dated the 16th August 1921 [*vide* Secretary of State's orders (1) above] were applicable to him. The Government of India have consulted the Auditor General who agrees that outside the transitional stage when posts on graded pay were changed to time-scales, these orders do not permit any concessions which are not now admissible under the ordinary Fundamental Rules, while on the other hand they restrict the grant of the concession which is permissible under Fundamental Rule 26(*d*). As, however, these orders are protected by Fundamental Rule 21 in the case of time-scale sanctioned by the Secretary of State, his sanction is necessary to their cancellation. The Secretary of State in Council has authorised the Government of India to apply, in consultation with the Auditor General, the principles of the Fundamental Rules in cases in which concessions admissible under the Fundamental Rules cannot be applied to a period of service in an administrative post.

[G.I., F.D. Endorsement No. F.-27(24)-Ex.I/36, dated the 18th August 1936.]

Secretary of State's decision.—Under paragraph 4 of Government of India, Finance Department letter No. 1079-C.S.R., dated the 26th October 1921 (*vide* entry below Fundamental Rule 58), Government servants who elect the leave rules in the Fundamental Rules and take leave for the first occasion after the introduction of those rules have the option of drawing, during the portion of leave corresponding to privilege leave, the pay of the post on which he holds a lien. The Secretary of State has decided that for the purpose of regulating the pay of Government

servants who avail themselves of the concession referred to above, the term lien in Fundamental Rule 26(*b*) should receive the interpretation which it bears in the Civil Service Regulations.

[G.I., F.D. No. F.-60-24-C.S.R., dated the 21st July 1924.]

Government of India's decisions—

(1) *See* entry below F.R. 9(13).

(2) Clause (*d*) of F.R. 26 applies to substantive and not to officiating tenure, of a temporary post.

[G.I., F.D. letter No. F.-61-C.S.R.-27, dated the 21st February 1927 and Ar.G's endorsement No. 117-A/185-44, dated the 5th April 1945.]

(3) In view of the orders of the Secretary of State as embodied in item (2) of the Secretary of State's orders below F.R. 26, it has been held by the Government of India that the orders contained in para. 8 of the Government of India, Finance Department Resolution No. 1559-E.A., dated the 16th August 1921 [reproduced below this rule as Secretary of State's orders (1)] need not be applied in the case of an officer holding a temporary administrative post in future and the restriction imposed by that paragraph regarding the grant of the concession of counting leave for increment in a temporary post [which is admissible under F.R. 26(*d*)] need not be enforced. The Government of India, in consultation with the Auditor General, therefore consider that para. 8 of the Government of India, Finance Department Resolution quoted above should be treated as cancelled and that consequently, the Fundamental Rules can be applied as a matter of course without any further authority from the Government of India in cases in which the Fundamental Rules are applicable.

2. In cases in which the Fundamental Rules cannot be applied directly, *e.g.*, when the pay is on a graded scale, the authority for applying the Fundamental Rules should be issued by the Government of India in consultation with the Auditor General.

[G.I., F.D. endorsement No. F.-27(24)-Ex.I/36, dated the 14th June 1937.]

(4) The Governor General in Council has decided that the period spent in 'war service' as defined in the Government of India, Home Department Press Communique, dated the 14th July 1942 *(*relevant extract given below*) by a temporary Central Civil Government servant who is permitted by the appropriate civil authority to undertake such service shall, in the event of his return with approved 'war service' to a civil post, and subject to the condition that the appointing authority certifies that he would, but for his transfer to 'war service', have continued throughout in Central civil employ either in the same or another post, be taken into consideration for the purpose of fixation of his pay in the applicable time-scale on his return from 'war service' to such post, whether in a substantive capacity or otherwise.

In order that the concession allowed in the preceding paragraph may, in cases where the person returns to his former post, be admissible

under Fundamental Rule 26, the Governor General in Council has declared that all cases of transfer with permission to 'war service' during the present war should be treated as transfers to 'higher posts' for the purpose of clause (*c*) of that rule, and that clause (*d*) thereof will also apply in such cases of transfer even though the person concerned had held the original temporary civil post in an officiating capacity at the time of his transfer to 'war service'.

In cases not covered by Fundamental Rule 26, *e.g.*, the case of a person who on return from 'war service' is re-employed in a civil post other than the one he held previously, permanent or temporary, the concession allowed in paragraph 1 above may, where equitable, be given under Fundamental Rule 27 on the merits of each case, after account is taken of the stage which he would have reached in the time-scale of the post in which he would have continued but for his transfer to 'war service'.

*.....It has accordingly been decided to adopt the following definition of 'war service'.....

(*a*) Service of any kind in a unit or formation liable for overseas;

(*b*) Service in India under Military, Munitions or Stores authorities with a liability to serve overseas;

(*c*) All other service involving subjection to Naval, Military or Air Force law;

(*d*) A period of training with a Military unit or formation involving liability to serve overseas;

(*e*) Whole-time service in any civil defence organisation specified in this behalf by the Central or the Provincial Government; and

(*f*) Such other service as may hereafter be declared as war service for the purpose of this definition.

[G.I., F.D. endorsement No. F.-11(4)-Ex.-I/43, dated the 2nd March 1943.]

(5) The Governor General in Council has decided that the non-gazetted personnel of the Posts and Telegraphs Department employed in Posts and Telegraphs Field Units and promoted to a Gazetted rank on the Civil side in an officiating capacity will be allowed to count the periods of such officiation for increments in Gazetted rank on subsequent reversion to Civil side, even though they did not draw the pay of that rank during the period of officiation referred to.

[Financial Adviser (Communications') endorsement No. W-44-11/42, dated the 8th April 1943.]

(6) *See* item (2) of the Government of India's decisions under S.R. 286-C.

Audit Instructions—

(1) *See* item (4) of the Audit Instructions below F.R. 9(6) in this Section.

(2) A period of overstayal of leave does not count for increments in a time-scale unless under F.R. 85(*b*) it is commuted into extraordinary leave and under the proviso to F.R. 26(*b*) the extraordinary leave is specially allowed to count for increments.

[Para. 6(*ii*), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) (*i*) In the case of a Government servant who, while officiating in one post, is appointed to officiate in another, the period of joining time spent in proceeding from one post to the other should be treated as duty in the post, the pay of which the Government servant draws during the period, and will count for increment in the same post under Fundamental Rule 26 (*a*).

(*ii*) In the case of a Government servant who, while officiating in a post, proceeds on training or to attend a course of instruction, and who is treated as on duty while under training, the period of such duty will count for increment in the post in which he was officiating prior to his being sent for training or instruction if he is allowed the pay of the officiating post during such period.

[Para. 6(*iii*), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(4) Although joining time taken under Fundamental Rule 105 (*b*) and (*c*) is treated as duty under Fundamental Rule 9(6) (*a*)(*ii*), it cannot be treated as duty for the purposes of increment in an *officiating* post inasmuch as only leave-salary is drawn for the period.

[Para. 6(*iv*), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(5) If a probationer is confirmed at the end of a period of probation exceeding twelve months, he is entitled to claim retrospectively the increments which, but for his probation, he would have received in the ordinary course.

[Para. 7, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(6) The intention of F.R. 26(*c*) is to allow the concession, irrespective of whether the higher post is within or outside the Department to which the Government servant belongs.

[Para. 8, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(7) *See* item (6) of the Audit Instructions below F.R. 22 in this Section.

Audit Ruling.—Fundamental Rule 26(*c*) applies to Provincial Civil Service Officers holding "listed posts".

[Ruling (12), Sec. IV of Compilation of Audit Rulings.]

Auditor General's decision.—The Auditor General has decided with the concurrence of the Government of India that in the case of Chaplains appointed from outside India, 'Service' for the purpose of calculating increment in the time-scale of pay of the Indian Ecclesiastical Establishment should count from the date of their disembarkation in India.

[Ar. G's endorsement No. 841-A/216-42, dated the 2nd November 1942.]

F. R. 27. An authority may grant a premature increment to a Government servant on a time-scale of pay if it has power to create a post in the same cadre on the same scale of pay.

Government of India's orders.—

(1) In the case of increments granted in advance, it is usually the intention that the officer should be entitled to increments in the same manner as if he had reached his position in the scale in the ordinary course and in the absence of special orders to the contrary he should be placed on exactly the same footing, as regards future increments as an officer, who has so risen.

[G.I., F.D. No. 752-C.S.R., dated the 6th July 1919.]

(2) The Governor General in Council has decided that the Government are not prepared to state the reasons for their action under any of the Fundamental Rules when the said rules themselves contain no such conditions or stipulation.

[G.I., F.D. letter No. F.-69-R. I/28, dated the 22nd May 1928.]

Auditor General's decisions.—

(1) In drafting the Fundamental Rules it was clearly recognised that Fundamental Rule 27 would enable initial rates of pay to be fixed otherwise than in the manner enunciated in Fundamental Rule 22.

[Ar. G's. D.O. No. 2-A/408-23, dated the 3rd January 1924, to A.G., P. & T.]

(2) The expression " scale of pay " represents the maximum of the scale which is to be taken into account for determining the authority competent to sanction increments rather than the stage of it.

[Letter No. 145-A/3-23, from Auditor, Government of India Sanctions.]

(3) When the Auditor General sanctions advance increments in future, he will definitely state if it is intended that a full year's benefit should be given, whenever this is not stated in an order, the recipient must serve for a full year on the new rate before he can earn another increment.

[Ar. G's. letter No. 730-N. G.E/721-29, [dated the 4th April 1930.]

F. R. 28. The authority which orders the transfer of a Government servant as a penalty from a higher to a lower grade or post may allow him to draw any pay, not exceeding the maximum of the lower grade or post, which it may think proper.

[1] F. R. 29. If a Government servant is, on account of misconduct or inefficiency, reduced to a lower grade or post, or to a lower stage in his time-scale, the authority ordering such reduction shall state the period for which it shall be effective and whether, on restoration, it shall operate to postpone future increments and if so to what extent.

Auditor General's decision.—Having regard to the principle underlying Fundamental Rule 29, the question as to whether an increment falling due during the period of reduction should or should not be allowed is one necessarily to be decided with reference to the exact terms of the

[1] This revised rule has effect from the 17th October 1928.

orders of the punishing authority. If the Audit Officer feels any doubt about the intention underlying the orders of the punishing authority, he has simply to ascertain it and act accordingly.

[Ar. G's. U.O. No. 917/308-42, dated the 9th December 1942.]

[1]F. R. 30. Pay of officiating Government servants—

(1) Subject to the provisions of Chapter VI, a Government servant who is appointed to officiate in a post shall not draw pay higher than his substantive pay in respect of a permanent post, other than a tenure post, unless the post in which he is appointed to officiate is one of those enumerated in the schedule to this Rule or unless the officiating appointment involves the assumption of duties and responsibilities of greater importance than those attaching to the post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [2][*].

Provided that the local Government may exempt from the operation of this Rule any service other than an all-India service which is not organised on a time-scale basis and in which a system of acting promotion from grade to grade is in force at the time of the coming into force of these Rules ;

Provided further that the Governor General in Council may specify posts outside the ordinary line of a service the holders of which may, notwithstanding the provisions of this Rule and subject to such conditions as the Governor General in Council may prescribe, be given any officiating promotion in the cadre of the service which the authority competent to order promotion may decide, and may thereupon be granted the same pay (whether with or without any special pay attached to such posts) as they would have received if still in the ordinary line.

(2) For the purpose of this Rule, the officiating appointment shall not be deemed to involve the assumption of duties or responsibilities of greater importance if the post to which it is made is on the same scale of pay as the permanent post, other than a tenure post, on which he holds a lien or would hold a lien had his lien not been suspended [2][*], or on a scale of pay indentical therewith.

SCHEDULE.

(1) District and Sessions Judges, 1st grade.

(2) Sub-Collectors, 1st grade, in the Madras Presidency.

(3) Selection Grade of the Indian Police Service.

(4) Accountants-General, Class I.

(5) Chief Engineers, Indian Service of Engineers, State Railways.

(6) Selection posts of Collectors of Customs on pay of Rs. 3,000.

[1]The amended rule has effect from the 18th March 1930.

[2][*] Deleted with effect from the 29th May 1934.

[1](7) The following grades in the Telegraph Department :—

[2](*a*) Deputy Assistant Engineers, [3][Grade A].

[2](*b*) Deputy Assistant Electricians, [3][Grade A].

[1](8) Commissioners, First Grade, in the Bombay Presidency.

[1](9) Second Secretary to the Government of Madras.

Government of India's decisions—

(1) It has been brought to notice that some doubt has been felt as to the application of the exception under Fundamental Rule 30 [proviso under *revised* Fundamental Rule 30(1)] in the cases of ministerial and other establishments in which there are no grades in the sense in which the word is used in Civil Service Regulations. The exception (proviso) is intended to cover, where necessary, all cases of the grant of acting allowance from one fixed rate of pay to another without change of duty in other than all-India services.

[G.I., F.D. No. 738-C.S.R., dated the 13th July 1922.]

(2) The Government of India have decided that the Fundamental Rules regarding acting allowances should be applied to the Posts and Telegraphs Department as a whole with effect from 1st July 1922.

[G.I., I. & L. No. 74-P.T./23, dated the 17th December 1924.]

(3) See item (2) of "Government of India's decisions" under F.R. 22.

(4) The Government of India have decided that higher officiating pay is not permissible to present incumbents in cases where different posts on different scales of pay have been merged into a single time scale for new entrants.

(This decision has effect from the 11th September 1936.)

[G.I., F.D. Memorandum No. F.-24 (42)-Ex./36, dated the 11th September 1936 to the Military Adviser-in-Chief, Indian States Forces read with G.I., F.D. letter No. F.-15(24)-Ex. I/37, dated the 13th May 1937, to the A.G., C.R.]

(5) A necessity has arisen for clarifying the position as regards officiating pay admissible under Fundamental Rules 30 and 31 in cases where a Government servant is appointed to officiate in a post and the officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attaching to the post on which he holds a lien or would hold a lien had his lien not been suspended. It has come to the notice of this Department that the practice in the matter followed in some outside offices is that the presumptive pay of the post as determined by Fundamental Rule 22 (*a*)(*ii*), is allowed as a matter

[1]Old item (7) was deleted and old items (8), (9) and (10) renumbered as (7), (8) and (9) respectively by G.I., F.D. Notification No. F.-26(44)-Ex. I-35, dated the 3rd December 1935.

[2]Old clause (*a*) "Deputy Superintendent, Traffic 1st Class" was deleted and clauses (*b*) and (*c*) relettered as clauses (*a*) and (*b*) respectively with effect from the 16th September 1935 by G.I., F.D. Notification No. 236-P.T./36, dated the 10th September 1936.

[3][] Substituted for the words "1st Class" by G.I., F.D. Notification No. D/841 (42)-Ex.-I/32 dated 28th January 1932.

of course under Fundamental Rule 31. This is, however, not the intention behind Fundamental Rule 31 under which the title to presumptive pay is always subject to the provisions of Fundamental Rule 30. According to the latter rule, where the officiating appointment does not involve the assumption of duties and responsibilities of greater importance, it is not permissible for the Government servant to draw pay higher than his substantive pay (if any) in respect of a permanent post. In other words, while the Fundamental Rules are not prohibitive in respect of officiating promotions in such circumstances, they undoubtedly restrict the officiating pay to the substantive pay, from time to time, of the Government servant concerned.

The case of a Government servant without a permanent post and therefore having no substantive pay in respect of such a post is, however, different. Fundamental Rule 30 being inapplicable in such cases, he is entitled to have his pay regulated exclusively under Fundamental Rule 31 read with Fundamental Rule 22(*b*), but to check any extravagance in officiating pay in such cases it is always open to the competent authority to take resort to the provisions of Fundamental Rule 35.

[G.I., F.D. Office Memorandum No. D./4109-Ex. I/38, dated the 4th October 1938.]

(6) The term "Deputy Assistant Engineers" occurring in the Schedule to F.R. 30 may be taken to cover both the Telegraph and Wireless Branches.

[F.O. (C's) letter No. D./2670-P.T./39, dated the 10th July 1939.]

(7) It has been decided, in consultation with the Auditor General, that the decision not to recognise any difference in duties and responsibilities between posts which have been merged into a single revised scale of pay [*vide* Government of India's decision (4) above] should have effect only from the 11th September 1936 (or from the 1st July 1937 in the case of the Central Public Works Department) and that higher officiating pay drawn prior to that date in consequence of officiating promotions then permitted should not therefore be regarded as irregular and should be taken into account for the purpose of fixing initial pay under Fundamental Rule 22 on confirmation.

[G.I., F.D. letter No. F.-15 (96)-Ex. I/39, dated the 23rd October 1939.]

(8) As an exception to item (4) of the Government of India's decision above the Governor General in Council has decided that appointment to a post in Grade I of the Telegraph Traffic Service Class II from a post in Grade II of that service involves assumption of duties and responsibilities of greater importance.

(This decision takes effect from the 1st May 1940.)

[F.A. (C's) Endorsements No. Es. A-23/40/I, dated the 19th September 1940 and 17th January 1941.]

(9) The posts of Electrical Engineer-in-Chief and Presidency Postmasters, Calcutta and Bombay, do not come under the prejudicial effect of item (4) of the Government of India's decision above.

[F.O. (C's) u/o No. 1041-P.T./40, dated the 17th April 1940, to the D.G., P.&T.]

(10) *Guiding principle for the working of the 'Next below' Rule.*— The Secretary of State has sanctioned the adoption of the following guiding principle in regard to the working in future of the 'next below' rule.

The intention of the so-called rule was apparently that an officer out of his regular line should not suffer by forfeiting acting promotion which he would otherwise have received had he remained in his regular line. From that it follows that the fortuitous acting promotion of some one junior to an officer who is out of the regular line does not, in itself, give rise to a claim under the 'next below' rule. Before such a claim is established it should be necessary that all the officers senior to the officer who is out of the regular line have been given acting promotion, and also the officer next below him, unless in any case the acting promotion is not given because of inefficiency, unsuitability or leave. In the event of one of these three bars being applicable to the officer immediately below the officer outside his regular line, then some other officer, even more junior should have received acting promotion and the officers, if any, in between should have been passed over for one of these reasons.

[G.I., F.D. Endorsement No. F.-27(1)-Ex. I/36, dated the 20th February 1936 and G.I., H.D. No. F.-52/36-Ests., dated the 6th February 1936.]

(11) The Government of India have had under consideration the question whether the period spent in the Defence Services by a Government servant who holds substantively a permanent post in Civil employ, and has been granted an Emergency Commission, should on his appointment, on return from Military duty, to a higher post in which he would have officiated but for his absence on such duty, be allowed to count for increments in the time-scale of the higher civil post. The Governor General in Council has now decided that posts in the Defence Services held by permanent Civil officers who have been granted Emergency Commissions shall be specified as posts 'outside the ordinary line of a service' for the purpose of the second proviso to F.R. 30(1). As a result of this decision service rendered by such an officer in the Defence Services will count for increments in a post on a higher scale if he would, but for his appointment in the Defence Services, have officiated in the higher scale post in Civil employ, and provided also that the precedent conditions for the application of the 'next below rule', as set forth in the first enclosure to the Home Department letter No. F.-52/36-Ests., dated the 6th February 1936 [item (10) of the Government of India's decisions above] have been fulfilled.

[G.I., F.D. Endorsement No. F.-15 (18)-Ex. I/42, dated the 7th November 1942.]

(12) The Governor General in Council has decided that posts in the Defence Services held by permanent civil officers, who, being officers of the Army in India Reserve of Officers have been called out to Military Service, shall also be specified as posts "outside the ordinary line of a service" for the purpose of the second proviso to Fundamental Rule 30(1).

[G.I., F.D. Endorsement No. F.-15 (18)-Ex. I/42, dated the 28th July 1943.]

(13) The Government of India have extended to the Commissioned Officers of the Civil Pioneer Force the concession contained in Government of India, Finance Department letter No. 15(18)-Ex.I/42, dated the 7th November 1942 [item (11) of the Government of India's decisions above].

[G. I., F. D. Endorsement No. 9890-WI/43, dated the 16th November 1943.]

(14) The restriction contained in item (4) of the Government of India's decisions above does not apply to the posts enumerated in the Schedule to this Rule.

[G. I., F. D. (Communication Branch) letter No. D/2130-P.T./38, dated the 10th June 1938.]

Audit Instructions—

(1) (*i*) It is not intended that the phrase ' outside the ordinary line of a service ' in the second proviso to clause (1) of Fundamental Rule 30 should be rigidly interpreted either as ' outside the cadre of a service ' or as ' outside the ordinary time-scale '. The form of words adopted was designed to allow the Government of India to exercise their discretion in regard to cases where exceptional circumstances which could not be foreseen and provided for by rule, might arise.

(*ii*) The specification of a post under this proviso will enable a Government servant to count service in that post for increment in the grade in which he would have officiated had he not been holding the specified post.

[Para. 9, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

Audit Rulings—

(1) Though no change of duties is involved, deputation pay in England may be enhanced on account of officiating promotion in India.

[Ruling (13), Sec. IV of Compilation of Audit Rulings.]

(2) A declaration by a local Government that a particular post involves more important duties or duties of a different character justifies the grant of officiating pay to a Government servant appointed to the post from another post in the same cadre.

[Ruling (14), Sec. IV of Compilation of Audit Rulings.]

Auditor General's decision.—The words " duties " and " responsibilities " used in Fundamental Rule 30 are to be interpreted in a wide sense as including besides the works to be performed the general responsibilities and liabilities incidental to being member of a particular service.

[Ar. G's No. 3971-E/676-23, dated the 13th September 1923.]

[1]F.R. 31. Subject to the provisions of Rules 26 (c), 30 and 35, a Government servant officiating in a post will draw the presumptive pay of that post, provided that, [2][except in the case of a Government servant whose appointment to the post in which he is officiating was made on his own request under Rule 15 (a),] if the presumptive pay of the permanent

[1]This revised rule has effect from the 18th March 1930.

[2] Inserted with effect from the 29th May 1934.

post on which he holds a lien or would hold a lien had his lien not been suspended [1][*], should at any time be greater than the presumptive pay of the post in which he officiates, he will draw the presumptive pay of the permanent post.

Government of India's decisions—

(1) The pay of Telegraphists of the general, local or station service appointed to officiate as Telegraph Master should be regulated on the basis of the pay of the service (general, local or station) to which the officiating Telegraph Master belongs and not of the pay of the Telegraph Master who is the absentee.

[G. I., D. I. & L. No. 123-P.T.E., dated the 21st June 1927.]

(2) *See* Government of India's decision No. 5 below Fundamental Rule 30.

Audit Instructions—

(1) The pay of a Government servant officiating in a post the pay of which is subject to increase upon the passing of an examination or upon the completion of a certain period of service is the pay which he would, from time to time, receive if he held the post substantively.

[Para. 10 (*i*), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The pay of a Government servant officiating in a post the pay of which has been reduced with effect from the next succession thereto is the reduced pay.

[Para. 10 (*ii*), Chap IV, Sec. I of Manual of Audit Instructions (Reprint).]

(3) *Allowance of 10s. 6d. a day to King's Honorary Physicians and Surgeons who are Lieutenant-Colonels and Brevet Colonels, Indian Medical Service.*—When a Lieutenant-Colonel or a Brevet Colonel in the Indian Medical Service in receipt of the allowance officiates in and draws the pay of a post held substantively by a Colonel or a General Officer, the issue of this allowance should be suspended.

[Para. 10 (*iii*), Chap. IV, Sec. I. of Manual of Audit Instructions (Reprint).]

F.R. 32. Deleted. [With effect from the 18th March 1930.]

F. R. 33. When a Government servant officiates in a post the pay of which has been fixed at a rate personal to another Government servant, a local Government may permit him to draw pay at any rate not exceeding the rate so fixed or, if the rate so fixed be a time-scale, may grant him initial pay not exceeding the lowest stage of that time-scale and future increments not exceeding those of the sanctioned scale.

Audit Instruction.—If a Government servant, who is personally qualified to draw overseas pay is appointed to officiate in a post on a time-scale, the pay of which is fixed personally for the substative holder of the post and includes sterling overseas pay, the lowest stage in the time-scale, for the purposes of F. R. 33, is the minimum of the time-scale *plus* the sterling overseas pay included in the pay fixed personally for the

[1][*] Deleted with effect from the 29th May 1934.

substantive holder of the post. A local Government is, therefore, competent to grant to such officiating Government servants the sterling overseas pay included in the pay fixed personally for the substative holder of the post.

[Para. 11, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 34. Deleted. [With effect from the 18th March 1930.]

F. R. 35. A local Government may fix the pay of an officiating Government servant at an amount less than that admissible under these rules.

Government of India's decision.—In a case in which a Local Government issued orders of a general nature under F. R. 35, restricting the officiating pay of Government servants to an increase equal only to a certain percentage of the minimum pay of the higher post, the Government of India pointed out that reading this rule with the rules substantively regulating the rate of officiating pay and in particular with F. R. 31 it is clear that the power conferred by F. R. 35 is not exercisable save by a special order passed in an individual case and on a consideration of the facts of that case. A general order purporting to oust universally the operation of F. R. 31 would be *ultra vires* of F. R. 35. It was also held that although the practice of passing ostensibly special orders on every individual case would not be *ultra vires* of F. R. 35, it would constitute the grossest possible fraud thereon.

[G. I., F. D. Letter No. F. 9(5)-R.I/33, dated the 28th March 1933.]

Audit Instructions—

(1) One class of case falling under this rule is that in which a Government servant merely holds charge of the current duties and does not perform the full duties of the post.

[Para. 12 (i), Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

(2) *See* item (6) of the Audit Instructions below F. R. 22 in this Section.

F. R. 36. A local Government may issue general or special orders allowing acting promotions to be made in the place of Government servants who are treated as on duty under Rule 9 (6) (b).

Government of India's orders—

(1) The Government of India have ordered that Superintendents of Post Offices should be allowed to draw, while undergoing a course of training in telegraphy, the pay or salary which they were drawing before their period of training commenced or which they would otherwise have drawn in the regular line and that officiating appointments may be made in place of Superintendents attached to the Telegraph Training class.

[G. I., C. I. D. letter No. 8453-192, dated the 24th November 1910.]

(2) The Government of India have delegated to the Auditor General the power to authorise non-gazetted Government servants in his officer, or in the offices under his control, to undergo a course of training or instruction in any office, whether in the Audit Department or outside it.

They are also pleased, under Fundamental Rule 36, to allow officiating arrangements to be made in place of Government servants authorised to undergo a course of training under these orders.

[G. I., F. D. No. 3379-F.E. dated the 29th November 1924.]

(3) The Government of India have authorised the Director General of Posts and Telegraphs to sanction, under F. R. 36, acting promotions in place of officials of the Posts and Telegraphs Department not directly appointed by the Government of India, who are treated as on duty under F. R. 9 (6) (*b*).

[G. I., I & L D. No. 27-P.T.E., dated the 6th August 1926 and No. 27-P.T.E. dated the 6th September 1926.]

(4) Acting promotions may be made in the place of Government servants undergoing training in the Army in India Reserve of Officers and the India Territorial Force, who under paragraph 38, Appendix XXX, Regulations for the Army in India, Army Instruction (India), No.B-37 of 1927, and Royal Air Force Instruction (India), No. 87 of 1927, are treated during the period of training as on duty for the purpose of civil leave and for increments of civil pay.

[G.I., F.D.-Memo. No. F.60-R.I./28, dated the 30th April 1928, and G.I., F.D. No. F-111-R.I./30, dated the 16th August 1930.]

(5) The Governor General in Council has decided that an Engineering Supervisor may be appointed as officiating Deputy Assistant Engineer, Telegraphs, Grade B, in the vacancies caused by the placing of Divisional or Assistant Divisional Engineers, Telegraphs, under Traffic Training.

[F. A., P. & T's Endorsement No. SA-27(4)/31, dated the 9th November 1932.]

(6) The Governor General in Council has decided that if it is considered essential to make officiating arrangements in the vacancies to be caused by the placing of the Assistant Divisional Engineers, Telegraphs, under a course of training in Wireless Telegraphy and Telephony and in carrier Telegraph and Telephone Working, Engineering Supervisors may be appointed to officiate as Deputy Assistant Engineers, Telegraphs, Grade B, in such vacancies.

[F. O. (C's) Endorsement No. S-95/8/39, dated the 6th May 1940.]

F. R. 37. ***Personal pay.***—Except when the authority sanctioning it orders otherwise, personal pay shall be reduced by any amounts by which the recipient's pay may be increased, and shall cease as soon as his pay is increased by an amount equal to his personal pay.

Government of India's decision.—Personal pay granted to Station Service Telegraphists on their transfer thereto from the General Service is not to be absorbed in the special pay drawn as Baudot Supervisors, Testing Telegraphists, etc.

[F. A. (C's) Endorsement No. E.S.A. 36/38/15, dated the 15h May 1941.]

F. R. 38. ***Pay of official Members of the Indian Legislature.***—A Government servant nominated as a member of the Legislative Assembly or the Council of State shall receive, while serving on the

Assembly or the Council, the pay which he would from time to time have drawn had he not been so serving. He shall receive, in addition, such travelling allowance as the Governor General in Council may fix.

Audit Instruction.—In their Finance Department letter No. 2291-C.S.R., dated the 20th December 1923, read with their letter No. F./45-C.S.R., dated the 19th July 1924, the Government of India have ruled that when a Government official is nominated as a member of the Legislative Assembly or the Council of State, it is permissible for the local Government to create a temporary post for the period of his absence from his headquarters and to appoint him thereto. Officiating arrangements may then be made under the ordinary rules for the performance of his regular duties at his permanent headquarters.

[Para. 13, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint)].

F. R. 39. *Pay of temporary posts.*—When a temporary post is created which may have to be filled by a person not already in Government service, the pay of the post shall be fixed with reference to the minimum that is necessary to secure the services of a person capable of discharging efficiently the duties of the post.

F. R. 40. When a temporary post is created which will probably be filled by a person who is already a Government servant, its pay should be fixed by the local Government with due regard to :—

(a) the character and responsibility of the works to be performed, and

(b) the existing pay of Government servants of a status sufficient to warrant their selection for the post.

Government of India's orders—

(1) * * * Although it has been incorrect since the Fundamental Rules superseded the Civil Service Regulations to refer to officials holding temporary posts created for special purposes outside the regular line of their service as being " on deputation " or " on special duty " recommendations are still commonly made in the obsolete terms of the Civil Service Regulations ; and these terms are accordingly used for convenience in this order. All such posts are now technically temporary posts added to the cadre of the holder's service ; and the rule governing the fixation of pay for the holders is Fundamental Rule 40. * * * * The correct method is to fix a consolidated pay split up, if convenience so dictates, into rupee and sterling elements. Possibly through the influence of Fundamental Rules 22 and 30, before they were amended in March 1930 to eliminate their unintentional extravagance of enhanced pay for a mere change in th character of duties performed, the tendency has gradually grown up of sanctioning enhanced pay for all posts temporarily created outside the ordinary line with scant regard to the provisions of Fundamental Rule 40. It has accordingly been ordered that

the following principles should strictly be observed in fixing pay of such posts :—

(*i*) A Government servant placed on " special duty " or " on deputation " should have the pay of his temporary post fixed at what his pay would have been from time to time in the regular line had he not been so deputed.

Note.—If the sanctioning authority is satisfied that a Government servant so deputed would otherwise have been advanced very shortly afterwards to a post carrying higher pay than that which he was drawing at the time his "special duty "or "deputation" begins and would continue to hold such a post for approximately the same period as his temporary post is expected to last, it may take this fact into account and fix a uniform pay throughout the period.

(*ii*) The sole criterion for sanctioning enhanced pay in such cases is proof of a decided increase of work or responsibility in comparison with the duties of the post which the Government servant would otherwise occupy in the regular line. Where the test of comparative responsibility is not practicable Fundamental Rule 40 may be followed.

(*iii*) Any extra remuneration sanctioned because of such increased work or responsibility should in no case exceed, without the special sanction of the Finance Department, one-fifth of substantive pay or Rs. 10 a day whichever is less.

Government servants deputed to posts substantially parallel in work and responsibility to the posts which they would otherwise have occupied should receive no increase in pay, though the peculiar circumstances in which their duty is to be performed may justify reasonable compensatory allowances. An excellent example of this type will be found in the personnel deputed to Committees and Commissions. Government servants deputed as members of Committees and Commissions will ordinarily be performing no more responsible duties than they would have performed had they remained in the ordinary line of their service; and it is only in exceptional cases that any extra remuneration can be justified. The foregoing principles may, however, have to be relaxed in exceptional cases, where having regard to the importance of the duties, it is necessary to secure officers with special qualifications on special terms.

[G. I., F. D. Memo. No.F.13-XIX-Ex.I/31, dated the 7th January 1932.]

(2) As the fixation of a consolidated rate of pay of temporary posts has on some occasions led not to economy but to extravagance, the orders contained in item (1) above are amplified and restated as follows :—

Temporary posts may be divided into two categories—posts created to perform the ordinary work for which permanent posts already exist in a cadre, the only distinction being that the new posts are temporary and not permanent, and isolated posts created for the performance of special tasks unconnected with the ordinary work which a Service is called upon to perform. An example of the latter type of post would be a post on a commission of enquiry. A distinction by strict verbal definition is difficult, but in practice there should be little difficulty in

applying the distinction in individual cases. The former class of post should be considered to be a temporary addition to the cadre of a service whoever may be the individual appointed to the post. The power of authorities to create such a post will therefore depend on the provision of the Civil Services (Classification, Control and Appeal) Rules read with the provision contained in the Book of Financial Powers. The latter class of temporary post should be considered as unclassified and isolated *ex*-cadre posts the power to create which will depend upon the provisions contained in the Book of Financial Powers.

2. Temporary posts which by this criterion should be considered as temporary additions to the cadre of a Service should be created in the time-scale of the Service ordinarily without extra remuneration. Incumbents of these posts will therefore draw their ordinary time-scale pay. If the posts involve decided increases in work and responsibility in comparison with the duties of the parent cadre generally, it may be necessary to sanction a special pay in addition.

3. For isolated *ex*-cadre posts it may occasionally be desirable to fix consolidated rates of pay. Where, however, the post is to be held by members of a Service it will ordinarily be preferable also to create the post in the time-scale of the holder's service.

[G. I., F. D. Office Memorandum No. F. 27(34)-Ex.I-36, dated the 5th December 1936.]

(3) *See* item (6) of the Government of India's decisions below Fundamental Rule 114.

Audit Instruction.—Under the Fundamental Rules, special duty or deputation in India will not be recognised. A temporary post will be created for the performance of that duty. If the special duty is to be undertaken in addition to the ordinary duties of the Government servant, then F. Rs. 40 and 49 will apply.

[Para. 14, Chap. IV, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 41. *Cancelled.* [With effect from the 1st April 1924.]

F. R. 42. *Deleted.* [By G. I., F. D. Notification No. F. 10(18)-R.I./34, dated the 12th December 1935.]

F. R. 43. *Deleted.* [By G. I., F. D. Notification No. F. 10(18)-R.I./34, dated the 12th December 1935.]

Chapter V.—Additions to Pay.

F. R. 44. *Compensatory allowances.*—Subject to any restrictions which the Secretary of State in Council may by order impose upon the powers of the Governor General in Council or the Governor in Council, as the case may be, and to the general rule that the amount of a compensatory allowance should be so regulated that the allowance is not on the whole a source of profit to the recipient, a Local Government may grant such allowances to any Government servant under its control and may make rules prescribing their amounts and the conditions under which they may be drawn.

[*For the Travelling Allowances (Secretary of State's Officers) Rules 1939 see Appendix 5C in Volume II of this Compilation.*]

[*For rules made by the Governor General in Council in his capacity as a Local Government, under Fundamental Rule 44, see Supplementary Rules 5—8 and 17—195.*]

Government of India's orders—

(1) The Governor General in Council has authorised the Director General of Posts and Telegraphs to sanction house-rent allowance to the inferior servants employed in the Telegraph Traffic and Engineering Branches in cases where the conditions of the grant of such allowance and the amount have been laid down in the case of inferior servants of the Post Office. In such cases it may be presumed that the consent of the competent authority has been obtained.

[G.I., I. & L.D. No. 76-P.T., dated the 16th September 1924.]

(2) (i) The Government of India have sanctioned the grant, with effect from 1st March 1926, to Departmental Postmasters, Sub-Postmasters, and Branch Postmasters, who are not provided with free quarters, of house-rent allowance not exceeding 10 per cent. of their average pay (including compensatory allowance, if any). The actual amounts to be granted in each individual case may be fixed by the Director General subject to the above limit. The grant of this allowance is subject to the condition that the official concerned lives within a reasonable distance of the Post Office. They have also decided that if in any locality the rate of house-rent allowance at present sanctioned for any of the officials referred to above is in excess of the limit now prescribed, no reduction should be made in the higher rate of the allowance.

Subject to the same conditions, the Governor General in Council is pleased to delegate to the Heads of Postal Circles the powers to sanction the grant of House Rent Allowance to such Departmental Postmasters, Sub-Postmasters and Branch Postmasters, as are entitled to, but are not actually provided with free quarters.

[G.I., I. & L.D. letter No. 3-P.T.E., dated the 23rd March 1926 and F.A. (C's) Endorsement No. A-21-1/42, dated the 9th November 1942.]

(ii) The Government of India have empowered the Director General of Posts and Telegraphs to sanction house-rent allowance to Postmasters who are not provided with free quarters, in charge of town offices in certain special localities at rates not exceeding those specified below. The

grant of these allowances is subject to the condition that the official concerned lives within a reasonable distance of the post office of which he is in-charge.

Town officers subordinate to	Scale of pay.	Amount of House-rent allowance.
	Rs.	Rs.
Calcutta General Post Office and Alipore and Howrah Head Offices	45—140	10
	145—170	20
Bombay General Post Office	60—150	15
	145—170	20
Rangoon Head Office	60—150	15
	145—170	20

[G.I., I. & L.D. No. 27-P.T.E., dated the 15th May 1926.]

(3) The Government of India have delegated to all Chief Commissioners the same power in respect of the grant of compensatory allowance as they have in the matter of granting special pay.

[G.I., F.D., letter No. 1731-C.S.R., dated the 19th September 1923.]

(4) *See* item (2) of Government of India's Orders under F.R. 9(25).

(5) *See* item (4) of Government of India's Orders under F.R. 9(25).

(6) *See* item (3) of Government of India's Orders below F.R. 46.

Audit Instructions—

(1) No revision of claims of travelling allowance is permissible in cases where a Government servant is promoted or reverted or is granted an increased rate of pay with retrospective effect, in respect of the period intervening between the date of promotion or reversion or grant of increased rate of pay and that on which it is notified, unless it is clear that there has been an actual change of duties.

[Para. 1(i), Chap. V., Sec. I of Manual of Audit Instructions (Reprint).]

(2) Hill Allowances fall under "Compensatory allowances". Local Governments have powers to sanction them under Fundamental Rule 44.

Para. 1(ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

The following decisions have been reached by the Secretary of State and his Advisers :—

(1) Compensatory allowances are to be regarded as included in remuneration for the purposes of the proviso to Section 247 (1) and Section 250(3) of the Government of India Act, 1935.

(2) These allowances can be withdrawn or reduced on satisfactory proof that the circumstances on which the grant was based have, in fact, altered to an extent justifying withdrawal or reduction.

(3) Rules regulating these allowances should continue (unless and until the Secretary of State decides to exercise his rule-making powers in respect of such allowances under Section 247(1)(b) of the Act) to be made by the Governments in India.

(4) As regards Secretary of State's Officers, the authorities competent both to decide the question of fact in (2), and to authorise withdrawal or reduction of allowances (other than travelling allowances) are :—

(a) In the case of officers to whom sub-section 3 of Section of the Government of India Act, 1935, applies, the Secretary of State.

(b) In the case of other officers, the Governor General exercising his individual judgment as regards officers serving in connection with the affairs of the Federation and the Governor exercising his individual judgment as regards officers serving in connection with the affairs of a Province.

[Para. 1-A, Chap. V, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 42, dated the 1st December 1939.]

Audit Rulings—

(1) Travelling allowance granted to candidates for admission into an Agricultural College, who are asked to interview the Principal, should be treated as a contingent charge.

[Ruling (15), Sec. IV of Compilation of Audit Rulings.]

(2) The Secretary of State having sanctioned Kran compensation allowance to officers in civil employ in Persia, the grant of the allowance from the same date to officers attached to Survey parties in Persia on a portion of their emoluments, requires no further sanction.

[Ruling (16), Sec. IV of Compilation of Audit Rulings.]

(3) The grant of Burma Allowance to officers recruited on special rates of pay in or for service solely in Burma, is inadmissible, as the allowance becomes a source of profit.

[Ruling (18), Sec. IV of Compilation of Audit Rulings.]

(4) Burma Allowance granted to a Provincial Police Officer promoted to the Imperial Police, is *prima facie*, a source of profit, since his pay before promotion was fixed in view of local conditions.

[Ruling (19), Sec. IV of Compilation of Audit Rulings.]

Auditor General's decision.—The Auditor General has ruled that in accordance with F.R. 44 the Government of India (in the case of the Central Government officers) may first specify rates and conditions and then permit subordinate authorities to grant compensatory allowances subject to the maximum rates and to those conditions.

[A.G., P. & T's letter No. Mis. 358/H-33(a), dated the 16th May 1927.]

[1]F. R. 45. A Local Government may [2][make rules or issue orders] laying down the principles governing the allotment to officers serving under its administrative control, for use by them as residences, of such buildings owned or leased by it, or such portions thereof, as the Local Government may make available for the purpose. [3] [Such rules or orders] may lay down different principles for observance in different localities or in respect of different classes of residences, and may prescribe the circumstances in which such an officer shall be considered to be in occupation of a residence.

* [*For rules made by the Governor General in Council, under Fundamental Rule 45, in his capacity as a Local Government, see Supplementary Rules 311 to 317.*]

Audit Instructions—

(1) 1. With effect from the 1st April 1932, non-military Government servants paid from Central (Civil) Revenues when occupying military buildings, the property of the Defence Department, will pay the assessed rent under paragraph 48 (p) of the Regulations for the Military Engineer Services (1929 edition) subject to a maximum of ten *per cent.* of their emoluments as defined in F. R. 45C.

2. The Military Engineer Services will forego any difference between the actual assessed rent of the building and the rent recovered from the occupier.

3. No recovery will, however, be made by the Defence Department from the Central (Civil) Revenues on account of accommodation provided under official arrangements to an individual entitled to free quarters under Civil rules.

[Para. 2(i), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(2) *Recovery of rent from Government servants paid from Defence Services Estimates, when occupying buildings, the property of the Central (Civil) Government.*—1. With effect from the 1st April 1932, Civil and Military Government servants paid from Defence Services estimates (including officers serving with the Army and Royal Air Force Head-Quarters in Simla and Delhi, whose emoluments include Lodging Allowance as a separate item) will pay the standard rent, subject to a maximum of ten *per cent.* of their salary, on the same terms as apply under F. R. 45-A, to Government servants paid from the Central (Civil) Estimates.

2. In the case of single military officers allotted accommodation in a Civil building under official arrangements who are liable to pay five *per cent.* of their salary as rent when occupying unmarried accommodation under Regulations for the Military Engineer Services, the difference between the rent paid to the Civil authorities and five *per cent.* of salary will be claimed by the individual concerned from , and will be paid by, the

[1] This revised rule has effect from the 3rd August 1927.

[2] [] Substituted for "make rules" by G.I., F.D. Resolution No. D/2015-Ex. II, dated the 16th May 1935.

[3] [] Substituted for " Such rules " by G.I., F.D. Resolution No. D/2015-Ex. II, dated the 16th May 1935.

agency responsible for housing the officer concerned. Such claim will be supported by a certificate given by the officer that he was occupying single accommodation only.

3. The 'salary' referred to in the preceding paragraphs will be :—

(a) the 'salary' as defined in the Note to paragraph 49, Regulations for the Military Engineer Services, in the case of Military Officers ;

(b) the 'salary' as defined in paragraph 52(a), Regulations for the Military Engineer Services, in the case of military subordinates, etc. ;

(c) the 'emoluments' as defined in F. R. 45-C, in the case of all Civilians in Military employ.

4. The Civil estimates will forego any difference between the actual standard rent of the building and the rent recovered from the occupier.

5. No recovery will, however, be made by the Public Works Department from the Military estimates on account of rent of accommodation provided under official arrangements to individuals entitled to free quarters under Military rules.

[Para. 2(ii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The following procedure should be observed regarding recovery of rent for residential accommodation from officers of the Central Government Departments and Provincial Governments for whom residential accommodation is provided by Railway Administrations and also regarding the recovery of rent from railway officers occupying residential accommodation belonging to Central Government Departments and Provincial Governments :—

(*a*) *Railway quarters specifically constructed for Defence, Police and Posts and Telegraphs Departments.*

The provisions of Railway Department (Railway Board) Circular letter No. 932-W., dated the 10th October 1936, will apply in these cases.

(*b*) *State Railway quarters occupied by officers of the Defence, Posts and Telegraphs and other Central Departments by mutual arrangement.*

These will be governed by the Civil rules, *i.e.*, F.R. 45-A, subject to the condition that the occupant will be exempted from the payment of rent if he is entitled to such exemption under the rules of his department.

(*c*) *State Railway quarters occupied by Civil servants of Madras, United Provinces, Punjab, Central Provinces, Sind, North-West Frontier Province and Assam Governments by mutual arrangement.*

The rent will be limited to 6 per cent. on the capital cost, excluding cost of land subject to 10 per cent. of pay.

(*d*) *State Railway quarters occupied by Civil servants of Bombay, Bengal, Bihar and Orissa Governments and Baluchistan and Ajmer-Merwara Administrations.*

The provisions of Railway Department (Railway Board) Circular letter No. 932-W., dated the 10th October 1936, will apply in these cases.

(*e*) *Defence and Posts and Telegraphs Department quarters specifically constructed for railway employees.*

In such cases the standard rent according to the rules of those departments should be paid.

(*f*) *Defence, Posts and Telegraphs and other Central Departments' quarters occupied by railway employees by mutual arrangement.*

In these cases Civil rules will apply, *i.e.*, F.R. 45-A, and the railway employee will be exempted from payment of rent, if he is entitled to such exemption under the railway rules.

(*g*) *Quarters belonging to Madras, United Provinces, Punjab, Central Provinces, Sind, North-West Frontier Province and Assam Governments occupied by railway employees by mutual arrangement.*

In these cases Civil rules will apply, *i.e.*, 6 *per cent.* on capital cost excluding the cost of land subject to 10 *per cent.* of pay.

(*h*) *Quarters belonging to Bombay, Bengal, Bihar and Orissa Governments and Baluchistan and Ajmer-Merwara Administrations occupied by railway servants.*

In these cases full assessed rent will be paid.

[Para. 2(iii), Chap. V, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 4, dated the 1st April 1938.]

(4) (i) The Government of India and the Governments of Madras, the Unites Provinces, the Punjab, Burma, the Central Provinces, Assam, Sind and North-West Frontier Province have mutually agreed that, when an officer of one of these Governments occupies by official arrangement a residence provided by another of these Governments, the latter Government will claim no more than the rent which would be recoverable from the officer if he were serving under its administrative control. In other words, neither Government will be called upon to make good to the other the difference between the standard rent and the rent actually recovered.

(ii) The Governments of Bombay, Bengal, Bihar and Orissa having finally expressed their inability to accept a corresponding convention, the position in the case of these Governments as between themselves as well as between them and the Governments mentioned in clause (i) above, will be that the Government providing the residence will claim from the officer the rent which would be recoverable from him if he were serving under its

administrative control, and will be paid by the Government under whose administrative control he is serving the difference, if any, between the rent recovered from him and the standard rent calculated for the residence under the rules of the providing Government.

[Para. 4, Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—All District Magistrates and Commissioners of a particular Local Government having been provided with armed guards for their protection, it was found necessary in some cases to erect quarters for them within the compound of the residences, allotted to the officers. As the cost of housing of these guards is to be borne by the Provincial Police Department, the question arose whether the cost of erection of these quarters could not be excluded from the capital cost of the residences for the purpose of calculating the standard rent to be recovered from the officer concerned. It was held that Fundamental Rule 45 gives Local Government the power to exclude the cost of the quarters under reference from the capital cost of the residences for the purpose of fixing standard rent.

[Ar. G's letter No. T-863-Admn. II/247-32, dated the 19th July 1932, to A.G., U.P.]

F. R. 45A—I. This rule applies, with effect from the 1st April 1924, to members of the Services and to Government servants holding the posts included in the Schedule to this Rule and to Government servants who hold in a substantive capacity posts borne on the cadre of the Services included therein.

II. For the purpose of the assessment of rent, the capital cost of a residence owned by Government shall include the cost or value of sanitary, water supply and electric installations and fittings, but exclude the cost or value of the site (including expenditure on its preparation) ; and shall be either—

(a) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction; or, when this is not known,

(b) the present value of the residence.

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences shall be determined;

(ii) a Local Government may make rules determining what expenditure is to be regarded, for the purpose of sub-clause (a) above, as expenditure upon the preparation of a site ;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules;

referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation ;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges ;

(v) a Local Government may, for reasons which should be recorded write off a specified portion of the capital cost of a residence—

(1) When a portion of the residence must be set aside, by the officer to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business or

(2) When it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided ;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may by rules determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows:—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor *plus* an addition determined under rules which a Local Government may make, for meeting, during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence].

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be either—

(i) a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for both ordinary and special maintenance and repairs such addition being determined under rules which a Local Government may make, or

(ii) 6 per cent. per annum of such capital cost, whichever is less.

[1][] Substituted for the words 'Payable by Government' with effect from the 10th November 1931.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month but not greater than one year. Where a Local Government takes action under this proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purposes of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A local Government may by rule permit minor additions and alterations, the cost of which does not exceed a prescribed percentage of the capital cost of the residence, to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies an officer with a residence leased or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

[1](b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) rent for the residence such rent being the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is the less ; and

(ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area or of a particular class or classes, for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform ; and

(2) that the amount taken from any officer shall not exceed 10 per cent. of his monthly emoluments ;

[1] This revised sub-clause has effect from the 10th November 1931.

(ii) taking a rent in excess of that prescribed in sub-clause (b) above from an officer—

(1) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(2) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him, or

(3) who is in receipt of a compensatory allowance granted on account of dearness of living, or

[1](4) who is permitted to sub-let the residence supplied to him, or

[2](5) who sub-lets without permission the residence supplied to him.

V. In special circumstances, for reasons which should be recorded, a Local Government—

(a) may, by general or special order, grant rent free accommodation to any officer or class of officers, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any officer, or

[3](c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any officer or class of officers.

VI. If a residence is supplied with services, other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court, or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay [4][* * *] the cost of the water, electric energy, etc., consumed. A Local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. A Local Government may by rule prescribe that this rule shall apply, with effect from any date not earlier than the first of April 1924, to any Government servant or class of Government servants other than those mentioned in the rule.

[1] Inserted by G.I., F.D. Notification No. F. 25(28)-Ex. II/43, dated the 6th December 1943.

[2] Inserted by G.I., F.D. Notification No. F. 20(2)-Ex. II/45, dated the 5th June 1945.

[3] This sub-clause has effect from the 10th November 1931.

[4] [] Deleted by G.I., F.D. Notification No. F. 15(10)-Ex. I/41, dated the 11th June 1941.

VIII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

Schedule.

A.—SERVICES.

Indian Civil Service.
Indian Police Service.
Indian Agricultural Service.
Indian Educational Service.
Indian Forest Service.
Indian Forest Engineering Service.
Indian Medical Service (Civil).
Indian Service of Engineers.
Indian Veterinary Service.
Indian Audit and Accounts Service.
Superior Service Officers of the Military Accounts Department.
Mint and Assay Departments.
Imperial Customs Service.
Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.
Geological Survey of India (Director, Superintendents, Assistant Superintendents and Chemist).
Indian Meteorological Service (Director-General of Observatories and Meteorologists)
Department of Mines in India.
Archaeological Department.
Zoological Survey of India.
Survey of India, Class I.
Indian Ecclesiastical Establishment.
Political Department of the Government of India.
Medical Research Department (excluding Indian Medical Service Officers).
Opium Department (excluding officers who joined the Department after the 2nd April 1907).
Bengal Pilot Service.

B.—POSTS.

1. Indian Posts and Telegraphs Department—
 (i) In the Postal Department—
 Deputy Director General.
 Postmasters General.
 Deputy Postmasters General.
 Assistant Directors-General.
 Presidency Postmasters (including Postmaster, Rangoon).
 (ii) In the Telegraph Traffic Branch—
 Deputy Director General.
 Assistant Director-General.
 First Division of the Superior Traffic Branch.

2. Commissioners and Assistant Commissioners of Income-tax.
3. Commissioner, Deputy Commissioner and General Managers of the Northern India Salt Revenue Department.
4. Officers of the Cantonment Department if on the Supernumerary list.

[*For rules made by the Governor General in Council, under Fundamental Rule 45A, in his capacity as a Local Government, see Supplementary Rules 318—326.*]

Government of India's orders—

(1) The Governor General in Council has extended the operation of F.R. 45-A to all Government servants under his administrative control not already included in the Schedule to F.R. 45-A.

[G.I., F.D. letter No. D/199-A, dated the 30th March 1929.]

(2) The Governor General in Council has decided that, with effect from the 1st April 1931, all non-gazetted officers of the Indian Posts and Telegraphs Department whose pay does not exceed Rs. 150 a month are exempt from the payment of municipal taxes (other than personal taxes) on all buildings occupied by them free of rent.

[F.A., P. & T's Endorsement No. 1067-Es. A./32, dated the 3rd October 1932.]

(3) The Governor General in Council has decided that the cost of the Electric energy consumed by the Electric lifts should be recovered on a floor area basis from the Commercial Departments occupying the building. The tenants of the residential flats will be exempt from payment of any charges for the Electric energy consumed by the lifts.

(*These orders take effect from the 18th January 1940.*)

[G.I. F.D., endorsement No. F.2(8)-Ex.I/40, dated the 31st January 1940.]

Government of India's decisions—

(1) For the purpose of assessing rent the Government of India have decided that the time of construction should be taken as the date on which the accounts of the estimate for the construction of the residence are closed.

[G.I., F.D. No. 1061-E.B., dated the 4th September 1922.]

(2) Fundamental Rule 45 (c) (i) [*corresponds to clause IV (c) (i) of new F.R.'s 45A and 45B*] does not provide for the exclusion from the calculation of any house in the particular area chosen. The idea underlying the paragraph was that higher paid officers might make up for any loss which was incurred by Government as far as the rents of residences of lower paid officers were concerned.

[G. I., F.D. No. F-2-C.S.R./25, dated the 7th January, 1925.]

(3) The Government of India have decided that the whole deduction on account of house-rent from officers in receipt of sterling overseas pay should be made in India and that sterling overseas pay should be converted into rupees at the following rates for the purpose of calculating house rent if the amount of house rent due has to be determined with reference to pay of the occupier :—

In respect of past transactions to end of December 1924—
1s. 5·7/16d. and

In future—at the current rate (uniform rate) of exchange mentioned in Article 343, Account Code (Now Art. 229, Account Code, Vol. IV, 1940 Edition).

[Ar. G's. No. 108-Admn./K.W. 621-24, dated the 24th January 1925.]

[*Note.*—The current rate of exchange has been fixed at 1s. 6d. to the rupee.]

(4) The Governor General in Council has decided that where a garage is provided for a particular residence (whether within or without the compound or premises), its capital cost should be included in the capital cost of the residence for the purpose of assessment of the standard rent. Where this condition is not fulfilled, rent for the garage should be charged separately.

[G.I., F.D. Endorsement No. F. 11 (48)-Ex. I/39, dated the 25th September 1939.]

(5) Under clause V of F.R. 45A, the Governor General in Council has decided that, so far as servants under the administrative control of the Governor General in Council or under any Chief Commissioner are concerned, the concession of rent-free quarters will in future be complete, that is, no additional charge will normally be made in respect of sanitary, water supply and electric installations.

[G.I., F.D., letter No. F. 3-VII-R.I/28, dated the 7th June 1928.]

(6) With a view to simplifying the method of calculation of the standard rent of residential buildings of the Posts and Telegraphs Department first occupied after the 1st April 1929, from which date the new Fundamental Rule 45-A was extended to all officials of the Department, the Governor General in Council is pleased to decide that until further notice the uniform rate of 6 per cent. on the Capital cost of all such buildings, as laid down in Fundamental Rule 45-A. III (*b*) (*ii*), should be adopted for the assessment of standard rent.

[G.I., F.D. Endorsement No. Misc./ B.S.-236/30, dated the 23rd March 1931.]

(7) The Governor General in Council has ordered that clerks and other classes of the Posts and Telegraphs non-gazetted staff in the Bihar and Orissa Circle occupying Departmental quarters should pay rent at the concessional rate of 5 per cent. of their salaries subject to the limits of salary as in the case of the officials of the Local Government.

[F.A., P. & T's. Endorsement No. 811-Es.A/32, dated the 7th February 1934.]

(8) *Government of India's decision below clause IV (b) (ii) of this Rule*:—See Government of India's decision below clause IV (*b*) (*ii*) of Fundamental Rule 45-A in Section II.

[G.I., F.D. Eletter No. F. 8(5)-Ex. I/38, dated the 5th April 1938.]

(9) It has been decided by the Government of India that, if quarters belonging to the Railway, Defence, Posts and Telegraphs, or other Central Government Departments are by mutual arrangement occupied by the employees of a Department other than that which owns the building, the owner's share of Municipal taxes (i.e., taxes which are in the nature of the house or property tax) should be included in the rent of the building. Where the occupier's share of Municipal taxes and the charges for consumption of light, water, etc., are paid to the Municipality by the Department owning the building, these charges should be recovered by that Department from the Department whose employee is occupying it. Where these charges are recovered by the Municipality from the tenant direct or from the Department under which he is employed, the arrangement will remain unaltered and the question of recovery of such charges

by the Department owning the building will not arise. Further when the Department whose employee is occupying the building pays these charges either to the Municipality or to the Department owning the building, the former Department should bear the charges finally or recover them from its employee according as under the rules of that Department he is, or is not, exempt from payment of such charges.

[G.I., F.D., Endorsements No. F. 11-(28)-Ex. I/41, dated the 23rd September 1941 and No. F. 25 (11)-Ex. II/43, dated the 22nd April 1943.]

Audit Instructions—

(1) See entries under Fundamental Rule 45.

(2) A question having arisen whether, under provisos (*i*) and (*iii*) to F.R. 45 A-II, a local Government is competent to determine the present value of a residence, the capital cost of which is already known, the Government of India have issued the following interpretation :—

" The substantive part of the Rule provides that ' for the purpose of the assessment of rent' the capital cost of a residence shall be either—

(*a*) the cost of acquiring or constructing the residence and any capital expenditure incurred after acquisition or construction ; or, *when this is not known*,

(*b*) the present value of the residence. "

Clause (*i*) in the proviso obviously does no more than supplement (*b*) in the substantive part by settling the manner in which the present value is to be determined in cases in which the factors specified in (*a*) are not known. Clause (*iii*), which unlike clause (*i*) is a true proviso, alters the operation of the substantive part of the rule by empowering the local Government to substitute for the capital cost determined in accordance with (*a*) in the substantive part. in a case when the factors specified in (*a*) *are* known, a new capital cost represented by the present value calculated in accordance with the rules made under proviso (*i*) for the primary purpose of determining the present value in cases to which (*b*) in the substantive part is applicable. "

[Para. 3 (*i*), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The question was raised whether the value of the site should be excluded in calculating the additional rent payable under F.R. 45A-VI for the special services referred to therein. Clause II of F.R. 45-A definitely excludes the cost of site from the calculation of ordinary rent, with the object *inter alia* that there should be no inequality in rents merely on account of site values. Inequalities of the same kind and due to the same cause would, however, arise if the rent charged for special services included the cost of site. Ordinarily, houses of the class affected by the rule in question already have a compound large enough to accommodate the special service. If the house had no special service provided, no rent would be payable for the site ; and it would not be reasonable to commence

to charge rent for site because of the provision of a special service in cases where the site remains the same. The Governor General in Council has therefore decided that in the case of officers in the Services under his control and those whose control has been retained by the Secretary of State in Council the value of the site should be excluded in calculating the rent of special services under F.R. 45-A-VI.

[Para. 3 (*ii*), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The rates of interest given in the following table should be applied in calculating the standard rent of residences, under clause III (*b*) of Fundamental Rules 45A and 45B.

Date of acquisition or construction of the residence.	Rate of Interest.	
	Buildings occupied on or before the 19th June 1922.	Buildings occupied after the 19th June 1922.
1	2	3
Before 1st April 1919	3½ per cent.	4 per cent.
1st April 1919 to 31st July 1921 . .	3½ per cent.	5 per cent.
1st August 1921 to 31st December 1921 .	3½ per cent.	6 per cent.
From 1st January 1922 until further orders	6 per cent.	6 per cent.

NOTE.—The date of construction referred to in column (1) of this table should be taken as the date on which the accounts of the estimate for the construction of the residence are closed. In respect of expenditure on additions and alterations to residences the interest should be calculated at the rate applicable on the date on which the accounts of the estimates for the additions or alterations are closed.

[Para. 5 (*i*), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(5) A Government servant who, at his own request, is supplied with a residence owned or leased by the Central Government, of a class higher than that for which he is eligible, when a house of his class is available for him, should be charged the full standard rent fixed for the residence and should no be given the benefit of the 10 *per cent.* concession afforded by clause IV †(*b*) of F. Rs. 45 A and 45-B.

[Para. 5 (*ii*), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).

(6) Under clause IV (*c*) (*ii*) of Fundamental Rules 45A and 45B, a local Government may recover rent in excess of 10 per cent. of a Government servant's emoluments, but not in excess of the standard rent as defined in clause III of the Rules.

[Para. 5 (*iii*), Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

(7) In exercise of the powers granted to him by Fundamental Rule the Governor General in Council has ruled that it is permissible to deal, under clause V (b) of Fundamental Rule 45 A or 45B, not only with individuals but also with classes of Government servants.

[Para. 5 (iv), Chap, V, Sec. I of Manual of Audit Instructions (Reprint)].

(8) See Audit Instruction below S. R. 316-A.

[1]**F. R. 45B-I. This rule applies to Government servants other than those to whom Rule 45A applies or is made applicable under the provisions of clause VII of that rule, or than those occupying residences belonging to a State Railway, or rented at the cost of railway revenues.**

II. For the purposes of sub-clause (b) of clause III, the capital cost of a residence owned by Government shall not include the cost or value of such special services and installations (including furniture, tennis courts and sanitary, water supply or electric installations and fittings) as it may contain ; and shall be either—

(a) the cost of acquiring or constructing the residence, including the cost of site and its preparation and any capital expenditure incurred after acquisition or construction ; or, when this is not known,

(b) the present value of the residence including the value of site.

NOTE.—The cost of restoration or special repairs shall not be added to capital cost or present value, unless such restoration or repairs add to accommodation or involve replacement of the existing type of work by work of a more expensive character.

Provided that—

(i) a Local Government may make rules providing the manner in which the present value of residences, including sites, shall be determined ;

(ii) a Local Government may make rules determining what expenditure is to be regarded for the purpose of sub-clause (a) above as expenditure upon the preparation of a site ;

(iii) a Local Government may, for reasons which should be recorded, authorise a revaluation of all residences of a specified class or classes within a specified area to be conducted under the rules referred to in proviso (i) above, and may revise the capital cost of any or all such residences on the basis of such revaluation ;

(iv) the capital cost, howsoever calculated, shall not take into consideration (1) any charges on account of establishment and tools and plant other than such as were actually charged

[1]This new rule has effect from the 3rd August 1927.

direct to the work in cases in which the residence was constructed by Government, or (2) in other cases, the estimated amount of such charges ;

(v) a Local Government may, for reasons which should be recorded write off a specified portion of the capital cost of a residence—

(1) when a portion of the residence must be set aside, by the Government servant to whom the residence is allotted, for the reception of official and non-official visitors visiting him on business, or

(2) when it is satisfied that the capital cost, as determined under the above rules, would be greatly in excess of the proper value of the accommodation provided ;

(vi) in assessing the cost or value of the sanitary, water supply and electric installations and fittings, a Local Government may, by rules, determine what are to be regarded as fittings for this purpose.

III. The standard rent of a residence shall be calculated as follows :—

(a) In the case of leased residences the standard rent shall be the sum paid to the lessor, *plus* an addition determined under rules which a Local Government may make, for meeting during the period of lease, such charges for both ordinary and special maintenance and repairs and for capital expenditure on additions or alterations as may be a charge on Government and for the interest on such capital expenditure, as also for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence].

(b) In the case of residences owned by Government, the standard rent shall be calculated on the capital cost of the residence, and shall be a percentage of such capital cost equal to such rate of interest as may from time to time be fixed by the Secretary of State in Council, *plus* an addition for municipal and other taxes [1][in the nature of house or property tax payable by Government in respect of the residence] and for bc[illegible] ordinary and special maintenance and repairs, such addition being determined under rules which a Local Government may make.

(c) In both cases standard rent shall be expressed as standard for a calendar month and shall be equal to one-twelfth of the annual rent as calculated above, subject to the proviso that, in special localities or in respect of special classes of residence, a Local Government may fix a standard rent to cover a period greater than one month, but not greater than one year. Where a Local Government takes action under this

[] Substituted for the words " payable by Government " with effect from the 10th November 1931.

proviso standard rent so fixed shall not be a larger proportion of the annual rent than the proportion which the period of occupation as prescribed under Rule 45 above bears to one year.

NOTE 1.—For the purpose of sub-clauses (a) and (b) above, the additions for both ordinary and special maintenance and repairs shall not include anything for the establishment and tools and plant charges, except to the extent allowed under proviso (iv) to clause II.

NOTE 2.—A Local Government may by rule permit minor additions and alterations the cost of which does not exceed a prescribed percentage of the capital cost of the residence to be made during such period as the rule may determine, without the rent of the residence being increased.

IV. When Government supplies a Government servant with a residence leased or owned by Government, the following conditions shall be observed :—

(a) The scale of accommodation supplied shall not, except at the officer's own request, exceed that which is appropriate to the status of the occupant.

[1](b) Unless in any case it be otherwise expressly provided in these rules, he shall pay—

(i) rent for the residence, such rent being the standard rent as defined in clause III above or 10 per cent. of his monthly emoluments, whichever is less ; and

(ii) municipal and other taxes payable by Government in respect of the residence not being in the nature of house or property tax.

(c) Nothing contained in clause (b) above shall operate to prevent a Local Government from—

(i) grouping, after the standard rents have been calculated under the provisions of clause III above, a number of residences, whether in a particular area, or of a particular class or classes for the purpose of assessment of rent, subject to the following conditions being fulfilled :—

(1) that the basis of assessment is uniform, and

(2) that the amount taken from any Government servant shall not exceed 10 per cent of his emoluments ;

(ii) taking a rent in excess of 10 per cent of his emoluments from a Government servant—

(1) who is not under its own administrative control, or

(2) who is not required or permitted to reside on duty at the station at which the residence is supplied to him, or

(3) who, at his own request, is supplied with accommodation which exceeds that which is appropriate to the status of the post held by him or

[1]This revised sub-clause has effect from the 10th November 1931.

(4) who is in receipt of a compensatory allowance granted on account of dearness of living.

V. In special circumstances, for reasons which should be recorded, a Local Government—

(a) may, by general or special order, grant rent-free accommodation to any Government servant or class of Government servants, or

(b) may, by special order, waive or reduce the amount of rent to be recovered from any Government servant, or

[1](c) may, by general or special order, waive or reduce the amount of municipal and other taxes, not being in the nature of house or property tax, to be recovered from any Government servant or class of Government servants.

VI. If a residence is supplied with one or more of the following or similar services, furniture, installations (including fittings) for water or electricity supply or for sanitary purposes, tennis court or garden maintained at the cost of Government, rent shall be charged for these in addition to the rent payable under clause IV. The tenant will also be required to pay [2][***] the cost of the water, electric energy, etc., consumed. A local Government may make rules prescribing how the additional rents and charges shall be determined, and such rules may also authorise the remission or reduction of the additional rent or charge in special circumstances for reasons which should be recorded.

VII. Nothing contained in this rule shall so operate as to require payment of rent, for the occupation of residences supplied by Government, by those servants of the Crown in India who have been exempted from such payment by order of the Secretary of State in Council, or to affect the amount of rent or charges payable by those servants of the Crown in India, in whose case the amount so payable is prescribed by the Secretary of State in Council.

[*For rules made by the Governor General in Council, under Fundamental Rule 45-B, in his capacity as a Local Government, see Supplementary Rules 327 to 335.*]

Government of India's orders—See entries under F. R. 45-A.

Government of India's decisions—

(1) See entries under F. R. 45-A.

(2) The Government of India have decided that when a Government building is let to a private person for residential or business purposes, rent should be recovered monthly in advance at the rate prevailing in the locality for similar purposes. But, without the sanction of the minor Local Government, such rent shall not be less than the rent calculated in accordance with the provisions of Fundamental Rule 45-B. In making

[1]This sub-clause has effect from the 10th November 1931.

[2][] Deleted by G. I., F. D., Notification No. F. 15 (10) -Ex.I/41, dated the 11th June 1941.

the calculation, proviso (IV) under clause II and note 1 under clause III of that rule shall be ignored and full departmental charges for establishment (including pension, tools and plants, and audit and accounts charges shall be taken into account both for the purpose of arriving at the capital cost and the additional charges to be included for ordinary and special maintenance and repairs.

NOTE.—The rate of departmental charges for capital cost additions and alterations, and maintenance and repairs shall be that in force at the time of calculation of rent. In all cases where buildings are merely acquired by Government through the agency of the Central Public Works Department, a charge of 3% only on the capital cost shall be levied in lieu of the full rate of departmental charges.

[Government of India, Department of Labour letter No. B-9, dated the 13th September 1939 received with the Government of India, Finance Department endorsement No. F. 11(51)-Ex.I/39, dated the 2nd November 1939].

(3) Government of India's decision below clause IV (b) (ii) of this rule:—

See Government of India's decision below clause IV (*b*) (*ii*) of Fundamental Rule 45-A in Section II.

[G. I., F. D., letter No. F.8(5)-Ex.I/38, dated the 5th April 1938].

Audit Instructions.—See entries under F. R. 45 and F. R. 45-A.

F. R. 45C. For the purpose of Rules 45A and 45B, "emoluments" means :—

(i) Pay ;

[1](ii) Payments from general revenues and fees, if such payments or fees are received in the shape of a fixed addition to monthly pay and allowances as part of the authorised remuneration of a post ;

[2](iii) Compensatory allowances, other than travelling allowance and uniform allowance paid to nurses in hospitals, whether drawn from general revenues or from a local fund ;

(iv) Exchange Compensation Allowance ;

(v) Pension, other than a pension drawn under the provisions of Chapter XXXVIII, Civil Service Regulations, or compensation received under the Workmen's Compensation Act, 1923, as subsequently amended ;

[3](vi) In the case of a Government servant under suspension and in receipt of a subsistance grant, the amount of the subsistance grant, provided that if such Government servant is subsequently allowed to draw pay for the period of suspension the difference between the rent recovered on the basis of the subsistance grant and the rent due on the basis of the emoluments ultimately drawn shall be recovered from him.

[1]The amended clause has effect from the 14th January 1930.

[2]This revised clause was inserted by G.I., F.D., Notification No. F-9(1)-Ex.I/40, dated the 11th January 1940.

[3]This new clause has effect from the 20th December 1933.

It does not include allowances attached to the Victoria Cross, the Military Cross [1][the King's Police Medal, the Indian Police Medal], the Order of British India or the Indian Order of Merit.

NOTE 1.—The emoluments of a Government servant paid at piece-work rates shall be determined in such manner as the Local Government may prescribe.

NOTE 2.—The emoluments of an officer on leave mean the emoluments drawn by him for the last complete calendar month of duty performed by him prior to his departure on leave.

Audit Instruction.—In exercise of the powers conferred on him by Fundamental Rule 8, the Governor General in Council has decided that the word 'pension' occurring in Fundamental Rule 45 C(v) should be taken to mean the full sanctioned pension prior to commutation.

[Para. 6, Chap. V, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 46. [2](a) ***Fees.*—Subject to rules made by the Governor General in Council under Rule 46A, a local Government may permit a Government servant, if it be satisfied that this can be done without detriment to his official duties or responsibilities, to perform a specified service or series of services for a private person or body or for a public body including a body administering a local fund or for an Indian State, and to receive as remuneration therefor, if the service be material, a non-recurring or recurring fee.**

NOTE.—This clause does not apply to the acceptance of fees by medical officers in civil employ for professional attendance which is regulated by the orders of the Secretary of State in Council.

[2](b) ***Honoraria.*—A local Government may grant or permit a Government servant to receive an honorarium from general revenues as remuneration for work performed which is occasional in character and either so laborious or of such special merit as to justify a special reward. Except when special reasons which should be recorded in writing, exist for a departure from this provision, sanction to the grant or acceptance of an honorarium should not be given unless the work has been undertaken with the prior consent of the local Government and its amount has been settled in advance.**

[3](c) ***Fees and Honoraria.*—In the case of both fees and honoraria the sanctioning authority shall record in writing that due regard has been paid to the general principle enunciated in Fundamental Rule 11, and shall record also the reasons which in his opinion justify the grant of the extra remuneration.**

Government of India's orders—

(1) Several instances have come to the notice of the Finance Department in which recommendations have been made by various Departments for the grant of honoraria to members of their office staff on account of a temporary increase in their work due to the holding of special Conferences under the auspices of a Department or Subordinate authority or

[1][] Inserted with effect from the 5th April 1932.

[2]This revised clause has effect from the 9th December 1930.

[3]This clause has effect from the 23rd April 1929.

of inter-Departmental Committees. In the opinion of the Finance Department, such temporary increases in work are normal incidents of Government service, and form part of the legitimate duties of Government servants according to the general principle enunciated in F. R. 11. Those so employed have, therefore, no claim to extra remuneration.

[G. I., F. D. Memo. No. F.-5-VIII-R.I./30, dated the 3rd September 1930.

(2) The words ' subject to rules made by the Governor General in Council under Rule 46-A' occurring in F. R. 46 are not intended to mean that rules must be framed under F. R. 46-A before the power given to a Local Government by the substantive part of F. R. 46 could be exercised.

If a Local Government have framed no rules prescribing the conditions under which fees for services other than professional attendance may be received by a medical officer other than a member of the Indian Medical Service, they are competent to sanction acceptance of these fees subject to the requirement mentioned in clause (c) of F. R. 46.

[G.I., Dept. of E., H. & L. No. 242-H., dated the 5th February 1932, received with G.I., F.D., No. F. 5-R.I/32, dated the 15th February 1932.]

(3) Intimation to the Public Service Commission by Departments of the Government of India or other Heads of Departments subordinate to them that particular Government servants have been appointed to the *Viva Voce* boards in connection with the recruitment examinations conducted by the Public Service Commission should be regarded as automatically conveying the Government of India's sanction to the acceptance by the said officers of honoraria at the fixed rates prescribed by the Public Service Commission and to their drawing the travelling allowance admissible to them.

The employment by the Public Service Commission as examiners or moderators of any officers serving under the Government of India or Heads of Departments subordinate to them will also automatically imply the Government of India's sanction to those officers undertaking the work and accepting honoraria at the fixed rates prescribed by the Commission.

The ruling contained in the Government of India, Finance Department, letter No. D-6434-Ex.II/36, dated the 3rd December 1936 (preceding sub paragraph) may be considered as applying also to Provincial Public Service Commissions.

[G. I., F. D. letter No. F. I-XI-Ex. II/25, dated the 16th July 1935 to the Secretary, Public Service Commission, G. I., F. D., letter No. D-6434-Ex. II/36, dated the 3rd December 1936 and G. I., F. D., letter No. F. 9(21)-Ex.II, dated the 1st April 1942, to the Auditor General of India.]

Government of India's decision.—See Government of India's decision below F. R. 9 (8) in Section III of this Compilation.

Audit Instruction.—The rule requires that the reasons for the grant should be recorded in writing, as it is intended that the grant of an honorarium or fee should be carefully controlled by Government and scrutinised by Audit, and that Audit should be given an effective opportunity

of comment if it be deemed necessary. Audit Officers may, therefore, require that the reasons for the grant of an honorarium or fee should be communicated to them in each case.

[Para. 7 Chap. V, Sec. I of Manual Audit Instructions (Reprint).]

Audit Ruling.—The grant of an honorarium to the heirs of a deceased Government servant for work done by him is unobjectionable in audit.

[Ruling (22), Sec. IV of Compilation of Audit Rulings].

[1]**F. R. 46-A.—The Governor General in Council may make rules prescribing the conditions and limits subject to which a fee may be received by a medical officer in civil employ for services other than professional attendance.**

[2]**F.R. 47. Subject to the provisions of the rules made by the Governor General in Council under rule 46-A, a local Government may make rules prescribing the conditions and limits subject to which authorities subordinate to it may sanction the grant or acceptance of honoraria, and the acceptance of fees, other than the acceptance of fees by medical officers in civil employ for professional attendance.**

[*For rules made by the Governor General in Council, under Fundamental Rule 47, in his capacity as a Local Government, see Supplementary Rules 9—16.*]

Audit Ruling.—Specific provisions of certain Acts requiring Government of India sanction for honoraria for patents to persons in Government employ override F. R. 47.

[Ruling (26), Sec. IV of Compilation of Audit Rulings.]

[3]**F.R. 48. Any Government servant is eligible to receive without special permission—**

(a) the premium awarded for any essay or plan in public competition ;

(b) any reward offered for the arrest of a criminal, or for information or special service in connection with the administration of justice ;

[4]**(c) any reward payable in accordance with the provisions of any Act or Regulation or rules framed thereunder ;**

(d) any reward sanctioned for services in connection with the administration of the customs and excise laws ; and

[5]**(e) any fees payable to a Government servant for duties which he is required to perform in his official capacity under any special or local law or by order of Government.**

[1]This revised rule has effect from the 9th December 1930.

[2]This revised rule has effect from the 4th June 1929.

[3]This revised rule has effect from the 23rd April 1929.

[4]This revised clause has effect from the 24th January 1938.

[5]This new clause had effect from the 24th January 1938.

[1]**F.R. 48-A. A Government servant whose duties involve the carrying out of scientific or technical research shall not apply for or obtain, cause or permit any other person to apply for or obtain, a patent for an invention made by such Government servant save with the permission of the Local Government and in accordance with such conditions as the Local Government may impose.**

[1]**F.R. 48-B. If a question arises whether a Government servant is a Government servant to whom Fundamental Rule 48-A applies, the decision of the Local Government will be final.**

[1]This new rule has effect from the 27th June 1933, and has been made with the previous sanction of the Secretary of State in Council.

Chapter VI.—Combination of Appointments.

R. 49. A Local Government may appoint one Government servant to hold substantively, as a temporary measure, or to officiate in, two or more independent posts at one time. In such cases his pay is regulated as follows :

(a) the highest pay, to which he would be entitled if his appointment to one of the posts stood alone, may be drawn on account of his tenure of that post ;

[1](b) for each other post he draws such reasonable pay, in no case exceeding half the presumptive pay (excluding overseas pay) of the post, as the Local Government may fix ; and

[2](c) if compensatory or sumptuary allowances are attached to one or more of the posts, he draws such compensatory or sumptuary allowances as the Local Government may fix, provided that such allowances shall not exceed the total of the compensatory and sumptuary allowances attached to all the posts.

Audit Instructions—

(1) Fundamental Rule 49 (b) requires that such pay as may be considered "reasonable" in the circumstances may be given, half the presumptive pay of the post is not, therefore, to be regarded as the amount normally permissible.

[Para. 1(i), Chap. VI, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Presumptive pay for the purposes of Fundamental Rule 49 (b) should, according to Fundamental Rule 9 (24), be taken to be what the Government servant who is placed in additional charge will draw as initial pay in the time-scale of the additional post under Fundamental Rule 22, were he formally transferred to it. In cases, however, in which the maximum pay of the lower post is less than the pay of the Government servant in his substantive post, the application of Fundamental Rule 22 is not clear, and accordingly the Governor General in Council has decided under Fundamental Rule 8 that in such a case the maximum of the pay of the lower post should be taken as the presumptive pay for the purposes of Fundamental Rule 49(b).

[Para. 1(ii), Chap. VI, Sec. I of Manual of Audit Instructions (Reprint).]

(3) See Audit Instruction below F.R. 40 in this Section.

[1] This amended clause has effect from the 13th March 1928.

[2] This revised clause has effect from the 13th April 1926

Chapter VII.—Deputation out of India.

[1]**F. R. 50. No deputation of a Government servant out of India shall be sanctioned without the previous approval of the Governor General in Council.**

Audit Instructions—

(1) See item (1) of the Audit Instructions below F.R. 51.

(2) See item (1) of the Audit Instructions below F.R. 81.

[2]**F. R. 51.** (1) **When a Government servant is with proper sanction** [3][**temporarily deputed for duty out of India either in connection with the post held by him in India or in connection with any special duty on which he may temporarily be placed] , his pay shall be regulated as follows :—**

(A) ***If*** **he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi*-European conditions and *if* he is sent from India for the propose of his deputation and does not include any leave within the period of his absence from India, he shall receive— for the first month of his absence from India the pay which he would have drawn if he had remained on duty in India, for the second month of such absence, 11/12ths of such amount, for the third month of such absence, 5/6ths of such amount, for the fourth month of such absence, 3/4ths of such amount, for the fifth to tenth month of such absence, 2/3rd of such amount, and thereafter 3/4ths of such amount.**

(B) ***If*** **he is deputed for duty in Europe or his deputation elsewhere is declared by the Governor General in Council to be under *quasi*-European conditions, and if he is not sent from India for the purpose of his deputation, or having been so sent, includes a period of leave within the period of his absence from India, he shall receive throughout his deputation 3/4 ths of the pay which he would have drawn if he had remained on duty in India.**

(C) ***If*** **he is deputed for duty elsewhere than in Europe and his deputation is not declared by the Governor General in Council to be under *quasi*-European conditions his pay shall be determined by the Governor General in Council with due regard to the provisions of Rule 40 of these Rules as though a temporary post had been created—**

Provided that—

(a) No Government servant on deputation out of India shall draw pay at a rate exceeding Rs. 5,500 per month ;

[1]Inserted by G.I., F.D., Notification No. F.9(4)-R. I/36, dated the 10th June 1937.

[2]This revised rule has effect from the 29th November 1932.

[3][]Substituted for the words " deputed for duty out of India " by G.I., F.D. Notification No. F.9(4)-R. I/36, dated the 10th June 1937.

(b) [1][A Government servant having his domicile in India may in any case be allowed by the Governor General in Council to draw] during the period of deputation out of India pay not exceeding the full amount of the pay which he would have drawn had he remained on duty in India, in lieu of the pay admissible to him under sub-clause (A) or sub-clause (B) of this clause.

(2) In addition to the pay admissible under clause (1) of this Rule a Government servant on deputation may be granted a compensatory allowance of such amount as the Secretary of State in Council may think fit in respect of deputation to Europe or America or as the Governor General in Council may think fit in respect of deputation elsewhere.

(3) With effect from the 13th July 1922 the sterling equivalent of the pay admissible under clause (1) of this Rule shall be calculated at such rate of exchange as the Secretary of State in Council may by order prescribe.

Secretary of State's Rules.—The rules framed by the Secretary of State in Council governing the grant of travelling and other allowances to civil officers serving under the Secretary of State, the Government of India, or the High Commissioner for India when on duty in Europe or America are reproduced in Appendix No. 7 in Volume II of this Compilation

Secretary of State's orders.—

(1) The Secretary of State in Council has directed that the following rules shall regulate the deputation out of India of subordinate police officers—

The Government of India, or, in cases in which the cost is met from Provincial Revenues, a local Government may depute a subordinate police officer to any country outside India, to accompany or take charge of criminals or lunatics, or on any other business, which is part of his duty as a police officer and may grant to the officer so deputed—

(*a*) full pay, for the entire period of absence from India: with

(*b*) actual travelling expenses, and a subsistence allowance not exceeding the following scale, while in any country outside India :

	s.	*d.*	
For an Officer of the Inspector class . .	22	6	a day.
For an Officer of the Sergeant class	15	0	a day.
For an Officer of the Constable class . . .	15	0	a day.

The local Government may delegate their powers under this rule to officers of a rank not lower than Deputy Inspectors General of Police, or Commissioner of Police in Calcutta.

G.I., F.D., Res. No. 1224-C.S.R., dated the 10th November 1922.]

[1][] Substituted for the words "The Governor General in Council may in any case allow a Government servant having his domicile in India to draw" by G.I., F.D., Notification No. F.9(4)-R/I/83, dated the 10th June 1987.

(2) The orders of the Secretary of State in Council regarding the eligibility of officers placed on deputation outside India for a return passage to India on the expiry of their deputation are contained in the extract of his Dispatch No.F. 911-23, dated the 8th March 1923, reproduced below :—

* * * * * *

"I am therefore to ask that if the Government of India see no objection, it may be made clear to local Governments and to officers proceeding on deputation from time to time that the grant of a return passage to India on conclusion of a deputation is conditional on an officer's return to duty forthwith on the conclusion of the deputation, unless an arrangement to the contrary effect should be specially permitted at the time the deputation closes, or is about to close, and the proposed leave is begun."

[G.I., F.D. No. 598-C.S.R., dated the 25th April 1923.]

(3) The Secretary of State in Council has directed that officers on leave, who are unwilling to undertake special duty on deputation rates of pay, may be allowed to continue to consume leave and receive an honorarium fixed at one-sixth of Indian pay.

[G.I., F.D. No. 994-C.S.R., dated the 9th May 1924.]

(4) (a) The Secretary of State in Council has decided that officers on deputation out of India, whether sent on deputation from India or placed on deputation while on leave in this country, may, if average pay leave would otherwise be admissible, convert deputation into leave on average pay *plus* an honorarium of 1/6th of Indian pay, on the condition that in both cases the cost of passages both from and to India is borne by the officer. The Secretary of State agrees that the High Commissioner may be authorised to act on this decision.

Periods of deputation converted into leave should count for pension as leave and not as deputation.

[India Office No. F-4012-25, dated the 14th September 1925, received with G.I..F.D. No. F. 120-C.S.R.-25, dated the 4th November 1925, and 19th November 1925.]

(b) The terms of F.R. 50 must be interpreted as applying to cases where officers exercise the option of consuming leave and drawing an honorarium of one-sixth pay during a period of duty out of India, *i.e.*, this option can only be exercised by a Government servant whose deputation out of India has been approved by the proper authority.

[G.I., F.D. No. F./101-C.S.R./26, dated the 30th July 1926.]

(c) Officers serving under the Civil Service Regulations are eligible for the privilege of consuming leave during deputation, should they so desire, and of receiving an honorarium of one-sixth of their pay. In their case leave on full pay would take the place of leave on average pay.

[G.I., F.D. Endorsement No. F-139-C.S.R./27, dated the 28th April 1927.]

(d) The option of consuming leave on average pay during a period of deputation and of drawing an honorarium of one-sixth Indian pay shall be limited to cases in which officers are placed on deputation while already on leave out of India on average pay.

[G.I., F.D. No. F. 4-R. I/29, dated the 22nd January 1929.]

(5) The Secretary of State in Council has decided that where a rule made by the Secretary of State in Council refers to a rate of exchange which the Secretary of State in Council may by order prescribe, that rate shall until further orders, be, 1s. 6d.

[G.I., F.D. Resolution No. F. 35-R.I/28, dated the 25th February 1928.]

(6) The Secretary of State has decided that in the cases of officers, belonging to services the control of which was not delegated to Local Governments by the Delegation Rules of 1926, who, while on leave in the United Kingdom, attend conferences or Congresses there or on the Continent, whether as official representatives of the Government of India or of a Local Government or as unofficial visitors, the following uniform system should be adopted :—

(i) Officers who are nominated as official representatives of the Government of India or of a Local Government will be placed on deputation for the period involved and will receive the usual travelling expenses and subsistence allowance.

(ii) Officers who are not so nominated will not be placed on deputation ; but if it is thought desirable that they should attend as visitors, they may be offered travelling expenses and subsistence allowance as an inducement for them to do so. Further, though the officer may not be an official representative, the India Office will be prepared to render him such service as recommending him, as a visitor, to the Congress Authorities.

[India Office, S. of S's Despatch No. 5, Overseas, dated the 20th December 1928 ; received with G.I., F. D. Endorsement No. F. 4-II-R. I/29, dated the 9th February 1929.]

(7) In connection with the deputation pay of officers on short term contracts when called upon to undertake duty outside India it has been decided to include in the model terms of agreement in use by the office of the High Commissioner for India for short term appointments under the Government of India, a clause providing specifically that deputation out of India shall be governed by the ordinary service rules.

[G.I., F.D. letter No. F. 4 (28)-R. I/31, dated the 14th July 1932.]

Government of India's decision—

As overseas pay is included in **'pay'** and as an officer would draw overseas pay under Fundamental Rule 51 (1) (if entitled to it) had he remained on duty in India, it should be taken into account for the purposes of calculation of the deputation pay under the revised Fundmental Rule 51.

[G.I. F.D. No. F. 90(10)-R. 1/33, dated the 10th October 1933.]

Audit Instructions—

(1) The period of the deputation runs from the date on which the Government servant makes over charge of his office in India to the date on which he resumes it ; or if the Government servant is on leave out of India at the time he is placed on deputation, the period of the deputation is the time acutally occupied by the duty.

[Para. 2, Chap. VII, Sec. I Manual of Audit Instructions (Reprint).]

(2) The term " pay " in the expression " pay which he would have if he had drawn————remained on duty in India " occurring in F. R. 51 (1) and had he in the similar expression occurring in proviso (a) to F.R. 9(2) should be interpreted literally with reference to F.R. 9(21), and the pay which an officer would have drawn if on duty in India should be determined for this purpose by the appropriate authority in India.

In the case of Government servants who are not deputed out of India for special items of work but are placed on continuous service with commissions and committees whose functions require work both in and out of India, the expression should be interpreted as having reference to the pay which they would have drawn in India had they continued on duty with the commission or committee there.

[Para. 3, Chap. VII, Sec. I of Manual of Audit Instructions (Reprint).]

(3) See item (1) of the Audit Instructions below F. R. 81.

[1]**F.R. 51-A.** When a Government Servant is with proper sanction deputed for duty out of India to hold a regularly constituted permanent or *quasi*-permanent post, other than a post borne on the cadre of the service to which he belongs, his pay shall be regulated by the orders of the Governor General in Council.

[1]This new rule was introduced by G.I., F.D. Notification No. F. 9(4)-R. I/36, dated the 10th June 1937.

Chapter VIII.—Dismissal [1][Removal] and Suspension.

F. R. 52. The pay and allowances of a Government servant who is dismissed [1] [or removed] from service cease from the date of such dismissal [1][or removal].

[2]**F. R. 53.** A Government servant under suspension is entitled to the following payments :—

(a) In the case of Commissioned Officer of the Indian Medical Department or a Warrant Officer who is liable to revert to Military duty, to the pay and allowances to which he would have been entitled had he been suspende while in military employment.

(b) In the case of Government servants other than those mentioned in cluase (a) above, the subsistence grant at such rates as the suspending authority may direct, but not exceeding one-fourth of the pay of the suspended Government servants ; [3][provided that the suspending authority may direct that the Government servant under suspension shall be granted in addition such compensatory allowances as the Governor General in Council may sanction by General or special order for issue under this proviso].

Audit Instruction.—While the suspending authority has discretion under F. R. 53 to fix the amount of subsistence grant at such a figure as he may think fit, subject to the prescribed maximum, he has no authority under the rule to refuse a subsistence grant altogether in any case which falls within the scope of the rule.

[Para. 1. Chap. VIII, Sec. I of Manual of Audit Instructions (Reprint).]

[4]**F. R. 54.** [5][When the suspension of a Government servant is held to have been unjustifiable or not wholly justifiable ; or

When a Government servant who has been dismissed, removed or suspended is reinstated ;]

the revising or appellate authority may grant to him for the period of his absence from duty —

(a) if he is honourably acquitted, the full pay to which he would have been entitled if he had not been dismissed, removed or suspended and, by an order to be separately recorded, any allowance of which he was in receipt prior to his dismissal removal or suspension ; or

(b) if otherwise, such proportion of such pay and allowances as the revising or appellate authority may prescribe.

[1][] Inserted with effect from the 11th February 1936.

[2]This revised rule was introduced by G. I., F.D. Notification No. F. 10(18)-R I/34, dated the 12th December 1935.

[3][] This proviso has effect from the 20th July 1943.

[4]This revised rule has effect from the 9th June 1936.

[5][] These revised paragraphs have effect from the 25th August 1936.

In a case falling under clause (a), the period of absence from duty will be treated as a period spent on duty.

In a case falling under clause (b), it will not be treated as a period spent on duty unless the revising or appellate authority so direct.

[For Administrative Instructions issued by the Governor General in Council regarding " ***Committals to Prison****", see Part IV of Appendix 3 in Volume II of this Compilation.]*

Government of India's decisions—

(1) Sub-clause (*b*) of F. R. 54 does not forbid the period spent under suspension being regarded as leave, and it is open to the revising or appellate authority to prescribe as the proportion of pay and allowances to be paid the leave salary which would be permissible if the Government servant were on leave. Under F. R. 8, therefore the Governor General in Council interprets F. R. 54 as permitting a revising or an appellate authority to convert a period spent under suspension into one of leave.

[G.I., F.D. letter No. F./47-C.S.R./27, dated the 14th February 1927, to the Chief Secretary to the Government of Madras, Judicial Department and G. I., F.D. endt. No. F.2(4)-E.III/46, dated the 20th September 1946].

(2) A Government servant was dismissed from service on 8th March 1927, and, on appeal was reinstated with effec tfrom 27th October 1927. The appellate authority declared, under F. R. 54, that the period of unemployment between the dates of dismissal and re-instatement should be treated as spent on duty and allowed to count for leave and increments. As there was no post against which the lien of the Government servant could be shown for the period of dismissal, the question arose whether in the absence of lien on a permanent post the period of unemployment could count for leave or increments. It was decided that F. R. 54 is absolute and unconditional and that it could not be absolute if the condition of " lien " had first to be satisfied.

[G.I., F.D. No. F./28/-R. I/28, dated the 5th April 1928].

Government of India's Administrative Instructions.—Posts vacated by dismissed Government servants may be filled substantively subject to the condition that the arrangements thus made will be reversed if the dismissed Government servant is re-instated on appeal.

[G.I., F.D. letter No. F. 28-R. I/28, dated the 22nd May 1928].

F. R. 55. Leave may not be granted to a Government servant under suspension.

Director General's Instructions.—A suspension vacancy should be treated as filled by a reservist, if one is available at the time a Government servant belonging to an establishment containing leave reserve is placed under suspension. If no reservist is available at the time, an outsider may be appointed but replaced by a reservist as soon as one is available.

[D.G., P. and T's letter No. 1647-S.B./29, dated the 4th January 1930.]

Chapter IX.—Compulsory Retirement.

F. R. 56. [1](a) Except as otherwise provided in the other Clauses of this Rule the date of Compulsory retirement of a Government servant, other than a ministerial servant, is the date on which he attains the age of 55 years. He may be retained in service after the date of compulsory retirement with the sanction of the Local Government on public grounds, which must be recorded in writing, but he must not be retained after the age of 60 years except in very special circumstances.

(b) (i) A ministerial servant [2][who is not governed by sub-clause (ii)] may be required to retire at the age of 55 years, but should ordinarily be retained in service, if he continues efficient, up to the age of 60 years. He must not be retained after that age except in very special circumstances, which must be recorded in writing, and with the sanction of the Local Government.

[3](ii) A ministerial servant—

(1) who enters Government service on or after the 1st April 1938, or

(2) who being in Government service on the 31st March 1938 did not hold a lien or a suspended lien on a permanent post on that date,

shall ordinarily be required to retire at the age of 55 years. He must not be retained after that age except on public grounds which must be recorded in writing and with the sanction of the Local Government he must not be retained after the age of 60 years except in very special circumstances.

(c) The following are the special rules applicable to particular services :—

(i) A member of the Indian Civil Service, who is not a Judge of a Chief Court, must retire after 35 years' service counted from the date of his arrival in India ; provided that, if he has held his post for less than five years, he may, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

(ii) A member of the Indian Civil Service, who is a Judge of a Chief Court, must retire on attaining the age of 60 years.

[4](iii) In the case of incumbents of the posts mentioned below, other than members of the Indian Civil Service, the age-limit is 60 years :—

Post specified in Rule 98.

[1]This revised clause has effect from the 31st March 1936.

[2][] Inserted by G.I., F.D. Notification No. F. 6(24)-R. II/38, dated the 19th July 1938.

[3]This sub-clause was inserted by G.I., F.D. Notification No. F.6(24)-R. II/33, dated the 19th July 1938.

[4]This amended sub-clause has effect from the 19th October 1923.

Legal Remembrancer and Secretary to the Legislative Council of the Punjab.

[1](iv) (1) Except as otherwise provided in this sub-clause, the following classes of officers must retire on reaching the age of 55 years, namely :—

(a) Civil Engineering of the Public Works or Railway Department, and

(b) Civilians in the Superior Railway Revenue Establishment, or [2][the Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department];

and the former class may be required by the Governor General in Council to retire on reaching the age of 50 years, if they have not attained to the rank of Superintending Engineer.

NOTE.— [3][* * *]

(2) Subject to the requirements of this sub-clause as to reappointment, the Local Government may, in special circumstances, which should be recorded in writing, grant an extension of service not exceeding three months, to a Chief Engineer.

(3) No Chief Engineer of the Public Works or Railway Department, and no officer in the Superior Revenue Establishment of State Railways, corresponding in rank to a Chief Engineer, nor any officer holding the post of Consulting Engineer to the Government of India, shall, without reappointment, hold the post for more than five years, but reappointments to the posts may be as often, and in each case for such period not exceeding five years, as the Local Government may decide, provided that the term of reappointment shall not extend beyond the date on which the Government servant attains the age of 55, or, in the case of a Chief Engineer, more than three months beyond that date.

NOTE.—Officiating service, unless followed by confirmation without interruption in such service, does not count towards the period of five years mentioned in this sub-clause.

(vi) The Bishops of Lahore, Rangoon, Lucknow and Nagpur, though borne on the cadre of the Indian Ecclesiastical Establishments, are not subject to any rule requiring their retirements at a particular age.

(vii) The following provisions are applicable to military officers in civil employ :—

(1) Officers of the Indian Medical Service must retire from civil employ at the age of 55 years, provided that—

[1] This amended sub-clause has effect from the 3rd June 1930, it replaces old sub-clauses (iv) and (v).

[2] [] Substituted for "the Superior Establishment of the Telegraph Department" by G.I., F. D. Notification No. F.10(2)-R.I/36, dated the 13th February 1936.

[3] [] Deleted by G.I., F.D. Notification No. F.10(2)-R.I/36, dated the 13th February 1936.

1. a Director General of the Indian Medical Service may remain in service up to the age of 60 years ;
2. Surgeons-General and Inspectors-General of Civil Hospitals may remain in Civil employ up to the age of 57 years ; and
3. a Lieutenant-Colonel who entered the service before the 1st April 1911, and was specially selected for increased pay on or before the 16th February 1921, may remain in civil employ till he completes 30 years' service ; but if he is specially selected for increased pay after the 16th February 1921, he shall be retired on attaining the age of 55 years unless he has not completed 27 years' service for pension, in which case he may be retained until he completes such period of service.

(2) Military officers in the Survey of India Department cease to be in civil employ on reaching the age of 55 years unless granted an extension by the Secretary of State in Council.

(3) Military commissioned officers serving in the Public Works or Railway Department cease to be in civil employ under the same conditions as govern the retirement of civil engineers of those departments. In addition, an officer of the Royal Engineers must retire on attaining the rank of General Officer ; provided that, if he is holding a post of Chief Engineer, he may, with the sanction of the Governor-General in Council, be permitted to complete a five years' tenure of the post, unless in the meantime he is required to vacate office under some other regulation.

(4) Military officers serving in any department, other than those mentioned in (1) to (3) of this sub-clause, cease to be in civil employ on reaching the age of 55 years ; but any such officer, being a military commissioned officer and having held his post for less than five years, may for special reasons, with the sanction of the Governor General in Council, be permitted to retain it until he has held it for that period.

(d) Notwithstanding anything contained in clauses (a), (b) and (c), a Government servant under suspension on a charge of misconduct shall not be required or permitted to retire on reaching the date of compulsory retire ment, but shall be retained in service until the enquiry into the charge is concluded and a final order is passed thereon by competent authority.

NOTE 1.—This rule does not apply to a Government servant who is appointed to any post by His Majesty the King Emperor of India, or by the Governor General in Council with His Majesty's approval.

NOTE 2.—For the purpose of sub-clauses (i), (vii) (3) and (vii) (4) of clause (c) of this rule officiating tenure of a post shall be included in calculating the period of five years.

NOTE 3.—The grant, under Rule 86, of leave extending beyond the date on which a Government servant must compulsorily retire, or beyond the date up to which a Government servant has been permitted to remain in service, shall be treated as sanctioning an extension of service up to the date on which the leave expires.

[1] Inserted by G. I., F. D. Notification No. F. 6(2)-Est.V/46, dated the 6th November, 1946.

Secretary of State's Rulings.—

The age of superannuation referred to in sub-clause (*c*) (*iii*) should be 60 years in case of all incumbents of the posts included in F. R. 98 which has replaced Art. 547, C.S.R., irrespective of whether the officer concerned is recruited directly or promoted from a subordinate post.

[G.I., F.D. No. 2053-C.S.R., dated the 16th May 1923.]

Government of India's orders.—

(1) Under Fundamental Rule 2, the Governor General in Council has declared, in so far as Government servants under his administrative control or in a Chief Commissioner's Province are concerned, that Fundamental Rule 56 (*a*) shall not apply to a Government servant in inferior service.

[G.I., F.D. No. 723-C.S.R., dated the 16th May 1923.]

(2) In supersession of all previous orders on the subject the Governor General in Council has decided that the officer of Indian Posts and Telegraphs Department mentioned below should be classified as non-ministerial for the purpose of Rules 56 (*a*) and 56 (*b*) of the Fundamental Rules or Articles 459 (*a*) and 459 (*b*) of the Civil Service Regulations and that all other officers of the Department in Superior Service should be classified as ministerial for the purpose of those rules :—

1. All Gazetted Officers ;
2. Engineering Supervisors ;
3. Electrical Supervisors ;
4. Wireless Supervisors ;
5. Telegraph Masters ;
6. Telegraphists (including those employed as carrier attendants);
7. Wireless Operators ;
8. Telephone Inspectors ;
9. Line Inspectors ;
10. Sub-Inspectors ;
11. Telephone Operators ;
12. Linemen (including line riders) ;
13. Mechanics and Artificers (including Cable Jointers and Assistant Cable Jointers, Engine Drivers and Assistant Engine Drivers, Mistries, Carpenters, Painters and Motormen) ;
14. Syrangs ;
15. Foremen ;
16. Assistant Foremen ;
17. Instrument Examiners ;
18. Instrument Testers ;

19. Cable Supervisors ;

20. Inspector of Peons ;

21. Conservancy Inspectors (including Building Overseer and Sanitary Overseer).

[F.A.,P. and T's Endorsement No. S.A.9/4 (109)/31, dated the 22nd November 1932.]

Audit Instructions.—

(1) Clauses (*a*) and (*b*) of Fundamental Rule 56 apply to all Government servants to whom the Fundamental Rules as a whole apply, whether they be holding temporary or permanent posts substantively or in an officiating capacity. When a Government servant holding a permanent post substantively is officiating in another post, Fundamental Rule 56 (*a*), (*b*) and (*c*) (*iii*) should be applied according to the character of the post in which he is officiating and not according to the character of the permanent post held substantively by him.

[Para. 1, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(2) When a Government servant is required to retire, revert, or cease to be on leave, on attaining a specified age, the day on which the attains that age is reckoned as a non-working day and the Government servant must retire, revert, or cease to be on leave (as the case may be) with effect from and including that day. This rule applies to all Government servants, Civil, Military or Naval.

[Para. 2, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(3) F. R. 56 [clauses (*a*) and (*b*) is generally applicable to re-employed personnel, and the rules in Chapter XXI of the Civil Service Regulations are subject to the conditions laid down in F. R. 56. Article 520, Civil Service Regulations however, from the nature of its concession and conditions, puts the re-employment of a person in receipt of a superannuation or retiring pension in a special class outside F. R. 56 and subject to the conditions stated in the Article itself which must be observed with every renewal of sanction.

[Para. 3, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(4) In view of the occurrence of the word "ordinarily" in F.R.56 (*b*) a ministerial Government servant can be retired from Government service between the ages of 55 and 60 years on grounds other than those of efficiency, and in such a case he has no claim to be retained in service upto the age of 60 years, nor is he entitled to any compensation for loss of appointment. The purpose of F. R. 56 is not to confer upon Government servants any right to be retained in service up to a particular age but to prescribe the age beyond which they may not be retained in service.

[Para. 4, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The date on which a ministerial Government servant must compulsorily retire is ordinarily the date on which he attains the age of 60 years, but in the case of a ministerial servant who is required to retire

between the ages of 55 and 60, the date of compulsory retirement is the date from which he is required to retire. It follows from this ruling that the restriction imposed by F. R. 86 does not operate in the case of a ministerial servant between the ages of 55 and 60 unless an order is passed requiring him to retire.

[Para. 5, Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

(6) The law officers referred to in sub-clause (*c*) (*iii*) of this rule and to whom the old rules in Chapter XXIV, Civil Service Regulations, applied on the 25th June 1901 are exempt from compulsory retirement at 55 years of age.

[Para. 6 (ii), Chap. IX, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 57. *Deleted.* [With effect from the 26th April 1927.]

PART IV.

Chapter X.—Leave.

Section I.—*EXTENT OF APPLICATION.*

F. R. 58. Unless in any case it be otherwise distinctly provided in section VI of this chapter, the rules in sections I to V of this chapter apply to all Government servants to whom the fundamental rules as a whole apply ; provided that it shall be open to any person who is in Government service, at the time when the fundamental rules come into force to exercise the option of remaining under the leave rules to which he has hitherto been subject. The intention of exercising this option must be specifically declared to the Local Government or the Governor General in Council, as the case may be, within six months of the date on which the fundamental rules come into force or, if the Government servant be on leave on that date, within six months of his return from leave. Every Government servant who does not make such a declaration will become subject to the rules in sections I to V of this chapter. The option once exercised is final.

NOTE.—A similar option may be exercised by the Government servants mentioned in rules 99 and 100.

[*For the Revised Leave Rules, 1933, made by the Governor General in Council in exercise of the powers conferred on him by Rules 33 (2), 37, 42 and 44 (d) of the Civil Services (Classification, Control and Appeal) Rules, for the Central Civil Services subject to his rule-making control in substitution for the corresponding rules in the Fundamental and the Supplementary Rules, see Appendix 7-A in Volume II of this Compilation.*]

Secretary of State's Order.—As an inducement to Government servants to accept the leave rules in these rules, the Government of India have obtained the consent of the Secretary of State to the following concession. On the first occasion after the 1st January 1922, on which any Government servant who accepts the new rules takes leave he will be permitted, at his option, to draw, during that portion of his leave which corresponds to privilege leave, the pay of the post on which he holds a lien instead of his average pay without limit. (The term ' lien ' should for this purpose be interpreted in the more liberal sense in which it is used in the Civil Service Regulations and not in the limited sense in which it is used in the Fundamental Rules.)

[Para. 4 of G.I., F. D. letter No. 1079- C.S.R., dated the 26th October 1921 and G. I., F. D. letter No. 765-C. S. R., dated the 15th July 1922.]

Government of India's Order.—Any Government servant who is on leave on the 1st January 1922 may, if he does not desire to exercise the option of remaining under the old leave rules, cancel the unexpired portion of his leave and substitute for it any period of leave to which he will be entitled under the new rules. This concession will be subject to the condition that it should not operate to secure to the Government servant concerned a larger total period of leave on average pay or its equivalent than he would have been able to enjoy had he been subject to the Fundamental Rules from the commencement of his leave.

[Para. 5 of G. I., F. D. letter No. 1079-C.S.R., dated the 26th October 1921.]

Audit Instructions—

(1) The words " Government servants to whom the Fundamental Rules as a whole apply " used in this rule are intended to mean Government Servants referred to in Fundamental Rule 2.

[Para. 1, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expression " the first occasion hereafter on which any Government servant who accepts the new rules takes leave " appearing in paragraph 4 of Government of India, Finance Department, letter No. 1079-C.S.R., dated the 26th October 1921 [*vide* Secretary of State's order above], should be interpreted to refer, in the case of a Government servant who was on leave on the 1st January 1922 and who postpones coming under the Fundamental Rules till after his return from leave, to the first occasion on which he takes leave under the Fundamental Rules. In the case of a Government servant who has exercised the option of cancelling the unexpired portion of his leave and coming under the Fundamental Rules with effect from the 1st January 1922, he may do so without reference to the concession of drawing during " leave corresponding to privilege leave " the pay of the post on which he has a lien, but will be entitled to enjoy that concession on the next occasion on which he takes leave thereafter, subject, however, to the proviso that, if he definitely asks that the substituted leave from the 1st January 1922 should be reckoned as the first occasion on which he takes leave under the Fundamental Rules, his request should be complied with.

[Para. 2 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The expression " that portion of leave which corresponds to privilege leave " occurring in paragraph 4 of Government of India, Finance Department, letter No. 1079-C.S.R., dated the 26th October 1921 [*vide* Secretary of State's order above], should be interpreted to mean in the case of leave taken after the 1st January 1922 the first four months of any period of leave on average pay or any longer period of leave during which Note 1 under Fundamental Rule 89 makes maximum limits of average pay inapplicable. Such leave is in all other connections being treated as though it were privilege leave and may be treated similarly in this connection also.

[Para. 2 (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—The limit of 4 months of leave on average pay, prescribed in Audit Instruction (3) above, should be held to be inclusive of the period of vacations, if any, prefixed to leave.

[Ar. G's No. T/220-A/217-23, dated the 7th June 1923.]

[1]F. R. 59[1]. Leave is earned by a Government servant under sections I to V of this chapter if he holds a lien on a permanent post in civil employ or would hold a lien on such a post had his lien not been suspended.

F. R. 60. Leave is earned by duty only. For the purpose of this rule a period spent in foreign service counts as duty if contribution towards leave-salary is paid on account of such period.

[1]This revised rule has effect from the 29th May 1934.

Audit Instruction.—See item (4) of the Audit Instructions below F. R. 9 (6) in this Section.

F. R. 61. A military commissioned officer appointed to a post in civil employ becomes subject to these rules under the following conditions :—

(a) (i) **An officer subject, before such appointment, to the Indian Army Leave Rules, becomes subject to these rules from the date of first substantive appointment to a post in civil employ or from the date of completion of three years' continuous officiating duty in such service, whichever is earlier. In reckoning continuous duty—**

(1) **any period of foreign service, to which transfer was made direct from a civil post, may be included, and**

(2) **leave does not operate to break continuity unless the officer has to revert to military employ in order to obtain such leave.**

Note.—This rule also applies to commissioned officers transfered from the Army Veterinary Department to the Civil Veterinary Department.

(ii) **A continuous service officer of the Royal Engineers becomes subject to these rules from the date of his entry into permanent civil employ or from the date of his election for continuous Indian service, whichever is later.**

(iii) **A non-continuous service officer of the Royal Engineers, if he elects for these rules, becomes subject to them from the date of his entry into permanent civil employ or from the date of completion of five years' Indian service, whichever is later.**

(b) **Transfer from military service to a post in civil employ, the tenure of which is limited to a definite period, does not entitle an officer to leave under these rules unless it is a condition of such transfer that he will not return to military employment at the expiry of his tenure of the said or any subsequent post in civil employ.**

(c) *Deleted* [By G. I., F. D. Notfn. No. F. 7 (81-b) R. 1/39, dated the 27th March 1941.

Audit Instruction.—(1) When a Military Officer is appointed substantively on probation to a permanent post in civil employ (as in the case of the appointment of Military Officers to the Indian Political Service), his appointment to the post is 'substantive, appointment, within the meaning of Fundamental Rule 61 (*a*) (*i*), and his service from the date of such appointment counts for leave under Sections I to V of Chapter X of the Fundamental Rules.

(This instruction takes effect from the 14th May 1937).

[Para. 4 (ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 37, dated the 1st June 1939.]

(2) No leave can be treated as duty for the purpose of Fundamental Rule 61 or for the purpose of any other Fundamental Rule unless the contrary is expressly stated therein.

[Para. 4 (III), Chap X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 38, dated the 1st June 1939.]

Auditor General's decisions—

(1) For purposes of clause (*a*) (*i*) of Fundamental Rule 61 the substantive appointment of a person to a Service or a branch of a Service means substantive appointment to a post borne on the cadre of that service or of that branch of the service, which may not necessarily be the particular post actually held by him at the time.

[Ar. G's endorsement No. 219-Admn. I/206-37, dated the 7th April 1938.]

(2) It has been decided by the Auditor General with the concurrence of the Government of India that as a result of the cancellation of Audit Ruling No. 31, relating to Fundamental Rule 61 by correction slip No. 29, dated the 1st June 1937, no attempt should be made to recalculate the leave under Fundamental Rule 100 in respect of their probationary service or to revise their leave accounts now in the case of military officers appointed and confirmed in the Indian Political Service before 14th May 1937. In the case of all those appointed before 14th May 1937 but confirmed later or those appointed on or after that date leave should be recalculated under Fundamental Rule 100 in respect of the probationary service from the date of their appointment, and their leave accounts should be revised accordingly; but no recoveries in respect of leave salaries paid prior to that date should be enforced and the leave enjoyed before that date should be allowed to stand.

[Ar. G's endorsement No. 475-A/103-38, dated the 15th November 1938.]

F. R. 62. Except as provided in Rule 61, a military officer in civil employ remains subject to military leave rules.

F. R. 63. When a military commissioned officer subject to these rules is temporarily transferred to military duty, but retains a lien on his post in civil employ, the period of his absence counts as duty for leave under these rules.

F. R. 64. Unless in any case it be otherwise expressly provided by or under these rules, a Government servant transferred to a service or post to which these rules apply from a service or post to which they do not apply is not ordinarily entitled to leave under these rules in respect of duty performed before such transfer ; but a Government servant reverting from duty as Judge of a High Court, or as one of the officers specified in Rule 98 below, may count such duty for leave as though it were duty performed in a vacation department ; all leave taken during the service concerned being treated as taken under these rules.

F. R. 65. [1](a) If a Government servant, who quits the public service on compensation or invalid pension or gratuity, is re-employed and if his

[1]This revised clause (a) has effect from the 5th September 1928.

gratuity is thereupon refunded or his pension held wholly in abeyance, his past service thereby becoming pensionable on ultimate retirement, he may, at the discretion of the authority sanctioning the re-employment and to such extent as that authority may decide, count his former service towards leave.

(b) A Government servant who is dismissed or removed from the public service, but is reinstated on appeal or revision, is entitled to count his former service for leave, [1][* * *].

Audit Instructions.—

(1) The re-employment of a person who has retired on a Superannuation or Retiring pension is generally an exceptional and temporary expedient. In such cases, the service of the re-employed pensioner should be regarded as temporary and his leave during the period of re-employment should be regulated by the rules applicable to temporary Government servants.

[Para. 5 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Resignation of the public service, even though it is followed immediately by re-employment, should entail forfeiture of past service for the purpose of leave under the Fundamental Rules and should, therefore, constitute an 'interruption of duty' for the purpose of Supplementary Rule 286.

[Para. 5 (ii), Chap X, Sec. I of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 56, dated the 2nd December 1940.]

Section II.—*GENERAL CONDITIONS.*

F. R. 66. A Local Government may make rules specifying the authorities by whom leave, other than special disability leave under rule 83, may be granted.

[*For rules made by the Governor General in Council under Fundamental Rule 66, in his capacity as a Local Government, see Supplementary Rules 206—208.*]

F. R. 67. Leave cannot be claimed as of right. When the exigencies of the public service so require, discretion to refuse or revoke leave of any description is reserved to the authority empowered to grant it.

Government of India's decision.—The Government of India have held that under F.R. 87 (*a*) the nature of the leave due and applied for by a Government servant cannot be altered at the option of the sanctioning authority and that under F. R. 67, while it is open to the sanctioning authority to refuse or revoke the leave due and applied for, it is not open to him to alter the nature of such leave.

[F. A., P. & T's letter No. Es. B. 51-6/32, dated the 20th September 1932.]

[1][] The words "unless the appellate or reviewing authority declares that he shall not so count it in whole or in part" deleted with effect from the 26th May 1936.

F. R. 68. Leave ordinarily begins on the day on which transfer of charge is effected and ends on the day preceding that on which charge is resumed. When joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of debarkation [1][or, if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India]. A Local Government may, however, make rules defining the circumstances in, and the conditions on, which Sundays or other recognized holidays may be prefixed to leave or affixed to leave or joining time.

[*For rules made by the Governor General in Council under Fundamental Rule 68, in the capacity as a Local Government, see Supplementary Rules 209—211.*]

Audit Instructions.—

(1) The joining time of a Government servant who returns from leave out of India and disembarks, not at the first port of call in India, but at another such port, should be reckoned from the day of arrival of the vessel at the second or subsequent port at which he actually disembarks, whether the sea journey from the first port of call in India to the subsequent port of disembarkation is made in the *same* steamer which takes him to the first port of call or in *some other* steamer.

[Para. 6 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) All days which are within the definition of holidays in S. R. 2 (12) and are also allowed to the individual concerned but no other days shall be treated as 'recognised holidays' for the purpose of F. R. 68. The effect will be that a so-called sectional holiday in the Government of India Secretariat will be treated as a recognised holiday for the purpose of F. R. 68 if it is a public holiday in terms of the Explanation to Section 25 of the Negotiable Instruments Act, 1881, and is admissible as a sectional holiday to the individual concerned but not otherwise.

Holidays, such as the Guru Nanak Dev's birthday which is a closed holiday for the Government of India Secretariat and its attached and subordinate offices in Simla and Delhi but is not notified as a Negotiable Instruments Act holiday by the Chief Commissioner, Delhi, shall also be treated as 'recognised holidays' for the purpose of F. R. 68.

[Para. 6 (ii), Chap. X, Section I of Manual of Audit Instructions (Reprint) as amended by correction slip No. 69, dated the 1st August 1942.]

(3) The provision in this rule—that when joining time is allowed to a Government servant returning from leave out of India, the last day of his leave is the day before the arrival of the vessel in which he returns at her moorings or anchorage in the port of disembarkation or if he returns by air, the day on which the aircraft in which he returns arrives at its first regular port in India—applies only to cases falling under F. R. 105 (c) in which joining time is granted to a Government servant returning from leave out of India of more than four months' duration.

[Para. 6 (iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 30, dated the 1st April 1939.]

[1] [] Inserted with effect from the 10th November 1931.

[1]**F.R. 69.** A Government servant on leave may not take any service or accept any employment without obtaining the previous sanction of—

[2](a) the Secretary of State, if the proposed service or employment lies elsewhere than in Asia;

[2](b) the Governor General in Council, if the proposed service or employment lies in Asia elsewhere than in India; and

[2](c) the Governor General in Council, or any lower authority empowered to appoint him, if the proposed service or employment lies in India.

Provided that a Government servant who has been granted permission to take any service or accept any employment under this rule, during leave preparatory to retirement, shall be precluded, save with the specific consent of the Governor General in Council, or any lower authority empowered to appoint him, from withdrawing his request for permission to retire and from returning to duty.

Note.—This rule does not apply to casual literary work, or to service as an examiner or similar employment; nor does it apply to acceptance of foreign service, which is governed by Rule 110.

Secretary of State's decisions.

(1) The Secretary of State now holds that the employment of officers who are on leave preparatory to retirement in trading concerns in India is *prima facie* open to grave objection and should be permitted only in very exceptional cases. All applications to take up private employment with trading concerns in India while on leave preparatory to retirement, which may be received from officers in India, who are on leave preparatory to retirement or who are contemplating premature retirement in India should, therefore, be very carefully examined and forwarded to the Government of India with full explanation of the views of the local Government.

[G. I., H. D. No. F-244-5-Public, dated the 12th February 1923.]

(2) The Secretary of State has decided that officers on leave preparatory to retirement, desiring to take up Crown employment, shall be given the option of retiring forthwith, or of remaining on leave, until they have exhausted the leave admissible to them, on condition that, so long as they are employed under the Crown, leave salary will be restricted to the amount of the pension admissible to them on retirement.

[G. I., F. D. endorsement No. F-7 (58)-R.I./39, dated the 21st September 1939].

Government of India's order.—The principle underlying the orders contained in item (1) of the Secretary of State's decisions above applies to all services, but the sanction of the Government of India is required only in the case of members of the all-India services. No reference to the Government of India is necessary in the case of persons appointed by the local Government or any lower authority.

[G. I., H. D. No. F. 261-23-Public, dated the 4th June 1923.]

[1]This revised rule has effect from the 6th December 1934.

[2]These clauses were substituted for clauses (a) and (b) by G. I., F. D., Notification No. F. 7 (21)-R.I./39, dated the 4th May 1939.

Government of India's decision.—The Governor General in Council has had under consideration the question of the terms and conditions of service to be offered to Government servants (other than Railway employees) under his rule-making control who may be permitted to accept appointments in civil departments of the Central Government, including the Railway Department and the Political Department during leave preparatory to retirement. He has now decided as follows :—

(*a*) If a Government servant who is on leave preparatory to retirement is required for further service in his parent department or office in or outside India, his leave should be cancelled and he should be recalled to duty.

(*b*) If the re-employment is in a post other than in his parent department, or office, the Government servant concerned will be given the option of—

(*i*) retiring forthwith ; or

(*ii*) remaining on leave, while performing duty in that post, until he has exhausted the leave granted to him or chooses to retire.

(*c*) If the Government servant elects to remain on leave under clause (*b*) (*ii*) above, he will, during the period of such leave, draw in addition to the pay of the new post to which he is appointed, his leave salary as follows :—

I. If the re-employment is in India the leave salary shall not exceed—

(*i*) In the case of a member of a Class I or Class II Central Service whose service is pensionable, the amount of pension, which it is anticipated will be admissible to him on retirement. No subsequent re-adjustment of such anticipatory pension will be made on the basis of actual pension.

(*ii*) In the case of all non-pensionable Government servants and pensionable Government servants of the Central Subordinate Services, half of leave salary admissible in respect of leave on full pay or full average pay, as the case may be.

II. If the re-employment is outside India, the full leave salary admissible to him under the rules shall be granted during the period of the present hostilities; and on the termination of hostilities leave salary will be restricted in the same way as if the re-employment were in India.

In a case where option to remain on leave has been exercised under clause (*b*) (*ii*) above, the pay of the officer shall on retirement be refixed in accordance with the rules applicable to re-employed pensioners.

[G. I. F. D. Endorsement No. F. 7 (29)—R. I/44, dated the 25th July 1944.]

Audit Instruction.—Although the grant of permission to take up private employment during leave on medical certificate is technically covered by the provisions of F. R. 69, such an arrangement is clearly contrary to the spirit of the regulations, as it is not the intention that the leave which

can be obtained on the strength of a medical certificate should be allowed to a Government servant the state of whose health enables him to earn a competence by private employment. F. R. 69 should not therefore be construed as permitting a Government servant who avails himself of leave on medical certificate to under-take regular employment during such leave.

[Para. 7, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Audit Ruling.—The sanction of the Secretary of State is not necessary to the completion while on leave in England of work for a private employer commenced with proper sanction in India.

[Ruling (32), Sec. IV of Compilation of Audit Rulings.]

F. R. 70. All orders recalling a Government servant to duty before the expiry of his leave should state whether the return to duty is optional or compulsory. If the return is optional, the Government servant is entitled to no concession. If it is compulsory, he is entitled :—

(a). If the leave from which he is recalled is out of India,—

(i) to receive a free passage to India; and, provided that he has not completed half the period of his leave by the date of leaving for India on recall, or three months, whichever period is shorter, to receive a refund of the cost of his passage from India ;

(ii) to count the time spent on the voyage to India as duty for purposes of calculating leave ; and

[1](iii) to receive leave salary during the voyage to India, and for the period from the date of landing in India to the date of joining his post to be paid leave-salary at the same rate at which he would have drawn it had he not been recalled but returned in the ordinary course on the termination of his leave and for the latter period travelling allowance under rules made in this behalf under Rule 44.

[2](b) If the leave from which he is recalled is in India, to be treated as on duty from the date on which he starts for the station to which he is ordered, and to draw travelling allowance under rules made in this behalf under Rule 44 for the journey, but to draw until he joins his post leave-salary only.

[*For rules made by the Governor General in Council, in his capacity as a local Government, governing the drawal of travelling allowance for a journey on recall from leave, see Supplementary Rules 142 and 143.*]

Government of India's order.— Orders recalling a Government servant from leave out of India should be communicated to him through the High Commissioner for India and they should state whether the return to duty is optional or compulsory.

G .I., F. D. No. 331-C. S. R., dated the 29th February 1924 and Part V (4) of Appendix 3 in Volume II of this Compilation.]

[1]This amended sub-clause has effect from the 31st December 1929.

[2]This amended clause has effect from the 31st December 1929.

Government of India's decisions—

(1) The 'Concession' referred to in the Second sentence of F. R. 70 is a concession of the category permitted by that rule. The concessions under F. R. 70 are clearly not intended to affect the privileges of Government servants which are admissible under other rules; the concession may be availed of when they happen to prove additional to, or better than, the ordinary privileges.

[G.I., F.D. letter No. F. 12 (55)-R. I/31, dated the 22nd September 1931 to the A.G., Punjab, Lahore.]

(2) In consultation with the Auditor General of India the Government of India have decided that vacation should be treated as leave for the purposes of F. R. 70 (*a*) (*i*) only up to the extent to which it operates to reduce the amount of leave which could otherwise have been granted as leave proper. In the case of an officer of a vacation department, the maximum amount of leave that can be granted throughout his service under Fundamental Rules 81 (*a*) and 81 (*b*) is subject to the reduction prescribed in Fundmental Rule 82(*b*). Once the maximum amount of leave admissible to such an officer has thus been determined each time leave is applied for, it is subject to no further reduction by reason of the fact that vacation is combined with leave. The only occasion when vacation operates to reduce the amount of leave that may be granted under Fundamental Rule 81 is provided in Fundamental Rule 82(*d*) which requires that the period of vacation when combined with leave shall be reckoned as leave, in calculating the maximum amount of leave on average pay which may be included in the particular period of leave. The intention of this rule is that the combination of vacation with leave on average pay should be so regulated as to limit the total period to the maximum prescribed in Fundamental Rule 81(*b*) and that when the amount of leave on average pay due *plus* the period of vacation exceeds this maximum, *i.e.*, 4 or 8 months, as the case may be, vacation should operate to reduce the amount of such leave so as to restrict the total period to the prescribed maximum. Consequently in such cases vacation should be treated as leave for the purposes of Fundamental Rule 70(*a*)(*i*) only to the extent it operates by virtue of Fundamental Rule 82(*d*) to reduce the amount of leave on average pay ordinarily admissible. The same principles will apply where the vacation of District and Session Judges is treated as recognised holidays but its combination with leave on average pay is subject to the same condition as in Fundamental Rule 82(*d*).

[G.I., F.D. letter No. F. 7 (48), R. I/40, dated the 12th August 1940, to the Chief Secretary to the Government of the Punjab.]

Audit Instructions—

(1) The expression "on the termination of his leave" in clause (*a*) (*iii*) of F.R. 70 means "on the termination of the period of leave as determined by his recall as opposed to the whole of the leave he was originally granted." The effect of this interpretation will be to make the same leave salary admissible for the period of transit in India as would be admissible had the return to duty been voluntary and the period of voyage been

leave proper and the period of transit in India been leave proper or joining time under F. R. 105, as the case may be.

[Para. 7-A, Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 53, dated the 1st June 1940.]

(2) *Application of F. R. 70(a) (ii) to Judges governed by the High Court Judges Order in Council of 1937.*—The concession admissible under F. R. 70 (*a*) (*ii*) of counting the time spent on the voyage to India as duty for purposes of calculating leave is repugnant to the provisions of the Order in Council in so far as the earning of leave is concerned, since under paragraph 7 of this Order leave is earned by "actual service" and not by "duty" as defined in the Fundamental Rules; and "actual service" as defined in paragraph 2 of the Order does not include time spent by a Judge on voyage to India on being compulsorily recalled from leave out of India. Thus, under paragraph 26 of the Order in Council read with F. R. 70 a Judge on compulsory recall from leave out of India is entitled to count the period of his voyage to India as duty for all purposes of leave (*e.g.* determining the amount of leave taken and debiting it in the leave account, calculating the aggregate amount of leave admissible to a Judge during his whole period of service, etc.) except that of earning leave.

[Para. 2, Sec. IV-D of the Manual of Audit Instructions (Reprint) as inserted by correction slip No. 60, dated the 2nd June 1941.]

F. R. 71. No Government servant who has been granted leave on medical certificate may return to duty without first producing a medical certificate of fitness in such form as the Governor General in Council, in the case of a Government servant on leave in Asia, or the Secretary of State in Council, in the case of a Government servant on leave elsewhere, may by order prescribe. A Local Government may require a similar certificate in the case of any Government servant who has been granted leave for reasons of health, even though such leave was not actually granted on a medical certificate.

[*For rules made by the Governor General in Council under Fundamental Rule 71, in his capacity as a Local Government, see Supplementary Rules 212 and 213.*]

Secretary of State's order. The Secretary of State in Council has ordered that a Government servant who has taken leave on medical certificate out of Asia, elsewhere than in Europe, North Africa, America or the West Indies, may not return to duty until he has produced a medical certificate of fitness from two medical practitioners in the following form :—

"We certify we have carefully examined C. D., of the..... Department and find that he is in good health and fit to return to his duty in India.

Date.
Place.

If the certificate be signed by foreigners, it should be attested by consular or other authority as bearing the signature of qualified medical practitioners.

[G. I., F. D., No. 197-C. S. R., dated the 6th March 1922.]

F. R. 72. Unless he is permitted to do so by the authority which granted his leave, a Government servant on leave may not return to duty more than fourteen days before the expiry of the period of leave granted to him.

F. R. 73. A Government servant who remains absent after the end of his leave is entitled to no leave-salary for the period of such absence and that period will be debited against his leave account as though it were leave on half average pay, unless his leave is extended by the Local Government. Wilful absence from duty after the expiry of leave may be treated as misbehaviour for the purpose of rule 15.

Auditor General's decision.—It has been decided by the Auditor General with the concurrence of the Government of India that the overstayal of leave taken by a Government servant before the introduction of the Fundamental Rules on 1st January 1922 should not be debited in his leave account.

[C. C. A's letter No. 149-A/86-31, dated the 8th June 1931.]

F. R. 74. (a) Subject to any instructions which may be given by the Governor General in Council in connection with the control of the issue of money from treasuries or by the Auditor General in India in order to secure efficiency and uniformity of audit, a Local Government may make rules prescribing the procedure to be followed in India—

(i) in making application for leave and for permission to return from leave.

(ii) in granting leave.

(iii) in the payment of leave-salary, and

(iv) in the maintenance of records of service.

(b) The procedure to be followed elsewhere than in India will be prescribed by the Governor General in Council.

[*For rules made by the Governor General in Council under Fundamental Rule 74 (b), see Supplementary Rules 242 to 262.*

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (i) and (ii), in his capacity as a Local Government, see Supplementary Rules 214 to 241.

For rules made by the Governor General in Council, under Fundamental Rule 74 (a) (iv), in his capacity as a Local Government, see Supplementary Rules 196 to 205.]

Auditor General's Instructions.—The instructions issued by the Auditor General under Fundamental Rule 74 (*a*), are given in Appendix No. 8 in Volume II of this Compilation.

Section III.—*SPECIAL AND ORDINARY LEAVE RULES.*

F. R. 75. (1) All Government servants who are not hereinafter declared to be subject to the special leave rules shall be subject to the ordinary leave rules.

(2) The following Government servants shall be subject to the special leave rules, namely :—

(a) Any Government servant having at the time of his appointment his domicile elsewhere than in Asia :

Provided that no such Government servant shall be entitled to the benefits of the special leave rules who, prior to such appointment, has, for the purpose of his appointment to any office under the Government or of the conferment upon him by the Government of any scholarship, emoluments, or other privilege, claimed and been deemed to be of Indian domicile ;

(b) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, had been admitted to the benefits of the European services leave rules under the Civil Service Regulations, or who between the 1st January 1922 and the 24th July 1923, held a post which would have entitled him to such admission had he been subject to the Civil Service Regulations ; and

(c) Any Government servant having at the time of his appointment his domicile in Asia who, prior to the 24th July 1923, held substantively an appointment in a department in which the attainment of a certain rank or a certain rate of pay entitled the officer to admission to the benefits of the European services leave rules under the Civil Service Regulations :

Provided that such a Government servant shall only be entitled to the benefits of the special leave rules when he attains that rank or rate of pay :

Provided further that the concession allowed by clause (c) of this rule is not admissible to a Government servant who attains such rank or rate of pay by reason of being promoted by selection from a subordinate service or post after the 24th July 1923.

Audit Instructions—

(1) A Government servant who becomes eligible to the Special Leave Rules while he is on leave under the Ordinary Leave Rules may, from the date he becomes so eligible, change the balance of his leave to leave under the Special Leave Rules.

[Para. 9 (*i*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The expression " at the time of his appointment " occurring in Fundamental Rule 75 (2) (*a*) means the date of an officer's appointment to a service or post to which the provisions of the Fundamental Rules apply.

[Para. 9 (*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Aulitor General's decision. –A question arose whether an officer of Asiatic domicile who was appointed as a probationer in the Imperial Customs Service on 21st March 1923 and confirmed in that service on 21st March 1925 should be governed by the Special Leave Rules under F. R. 75 (2) (*c*) read with Article 310 (2) (*c*) of the Civil Service Regulations. As the officer was a probationer in the Imperial Customs Service prior to the 24th July 1923 and as a probationer is to be considered as having the attributes of a substantive status—*Vide* Audit Instruction 2 (*c*) below F. R. 9 (6), it was decided with the concurrence o f the Government of India that the officer shouldbe entitled to the benefit of the Special Leave Rules from the date his pay was raised to Rs. 900 per month.

[Ar. G's. endorsement No. 308-A/199-40, dated the 27th September 1940.]

F. R. 75A. For the purpose of Rule 2 of Rule 75 the domicile of a person shall be determined in accordance with the privisions set out in the Schedule* to these rules :

Provided that a person who was born and has been educated exclusively in Asia and has not resided out of Asia for a total period exceeding six months shall be deemed to have his domicile in Asia unless in the case of a person to whom the proviso in sub-rule 2 (a) of Rule 75 does not apply it is proved to the satisfaction of the appointing authority that he did not have his domicile in Asia on that date.

Secretary of State's decision.—See entry below F. R. 9 (20).

F. R. 75B. No Government servant who, after his appointment to a service or post acquires a new domicile, shall thereby lose his right to, or become entitled to admission to, the benefits of the sepcial leave rules.

F. R. 75C. If any question arises as to the domicile of any Government servant at the time of his appointment, the decision thereon of the Secretary of State in Council in the case of persons appointed by him, of the Governor General in Council in the case of persons appointed by him, or of the Local Government in the case of persons appointed by them, shall be final.

Aulitor General's decision.—The special leave rules in Fundamental Rules 75 to 75C are based on a recognition of the principle that officers serving out of their own country can legitimately be given more generous leave terms than officers serving in their own country. Thus, any Government servant, whether gazetted or not, even though he might have been subject to the Indian Service leave rules under the Civil Service Regulations, is entitled under Fundamental Rule 75 (2) (*a*) to the benefits of the special leave rules with effect from the 24th July 1923, provided the criterion for the eligibility is fulfilled, *i.e.*, if at the time of his appointment he had his domicile elsewhere than in Asia. This decision also applies to such Government servants as elected to remain under the leave rules in the Civil Service Regulations.

[Ar. G's No. 1158-A.-187-23, dated the 16th November 1923.]

* See page 331 of this volume.

Section IV.—*GRANT OF LEAVE.*

F. R. 76. A leave account shall be maintained for each Government servant in terms of leave on average pay.

Secretary of State's orders.—A separate account should be kept of the leave earned by a Government servant serving under a Government and then transferred to another Government and all leave taken after the date of transfer should be debited to this account so long as the balance under it is not exhausted, and the allowances drawn during all leave, which is so debited, should be charged to that Government.

[S. of S's. telegram No. 59-C. S. R., dated the 12th January 1921, received with G. I., F. D. No. 970-C. S. R., dated the 22nd September 1921.]

Government of India's decision.—The Government of India have decided that the rate of leave-salary actually received by an absentee by the operation of the further proviso to F. R. 87 should not be taken into account in recording the leave granted to inferior servants in their leave accounts but that the accounts should be debited with the kind of leave granted irrespective of the leave salary.

[G. I., F. D. letter No. F. 56-R. I/28, dated the 9th April 1928.]

Audit Instruction.—Fractions of a day should not appear in the leave accounts, fractions below half should be ignored, and those of half or more should be reckoned as one day.

[Para. 10, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 77. (a) In the leave account of a Government servant, who on his entry into Government service becomes subject to these rules, shall be credited :—

(i) If he be under the special leave rules, five-twenty-seconds of the period spent on duty ; and

(ii) if he be under the ordinary leave rules, two-elevenths of the period spent on duty.

(b) In the leave account of a Government servant other than a military commissioned officer who is already in Government service when he becomes subject to these rules shall be credited :—

(i) If he be under the special leave rules—

(1) The privilege leave which it would, on the date on which he becomes subject to these rules, be permissible to grant to him under the rules in force prior to that date : ***plus***

(2) one-twelfth of the period prior to that date spent on duty or on privilege leave while subject to the Indian service leave rules of the Civil Service Regulations : ***plus***

(3) one-eighth of the period prior to that date spent on duty or on privilege leave while subject to the European service leave rules : ***plus***

(4) five-twenty-seconds of the period spent on duty subsequent to that date.

(ii) If he be under the ordinary leave rules—

(1) the privilege leave which it would, on the date on which he becomes subject to these rules be permissible to grant to him under the rules in force prior to that date : *plus*

(2) one-twelfth of the period spent on duty or on privilege leave prior to that date : *plus*

(3) two-elevenths of the period spent on duty subsequent to that date.

[1]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to Military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

:—

(c) In the leave account of a military commissioned officer who becomes subject to these Rules shall be credited :—

(1) (i) The privilege leave which, on the date on which he becomes subject to these Rules, it would be permissible to grant to him under the Rules applicable to him prior to that date, or

(ii) the leave on average pay which, on the date on which he becomes subject to these Rules, it would be permissible to grant him under Rule 100, *plus*

(2) One-eighth of the period prior to that date spent on duty or on privilege leave during the following periods of service:—

(i) Service under the European Service Leave Rules of the Civil Service Regulations ;

[2](ii) Service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

[2](iii) Service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India, *plus*

[3](3) five twenty-seconds or two-elevenths of the period spent on duty subsequent to that date according as he is subject to the special leave rules or the ordinary leave rules:

[1]This proviso has effect from the 10th April 1934.

[2]These amended sub-clauses have effect from the 28th January 1930.

[3]This amended clause has effect from the 28th February 1928.

[1]Provided that in the case of an officer (other than an officer who became subject to these Rules before the 4th of December 1928) who becomes subject to these Rules in the Calendar year in which he was transferred to civil employ, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these Rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

Note.—A commissioned officer transferred from the Army Veterinary Department to the Civil Veterinary Department shall be considered, for the purposes of this rule, to have been subject to the Indian Army Leave Rules from the date of his arrival in India on his last tour of service.

(d) Any other Government servant transferred permanently from military to civil employ is entitled to a credit to his leave account based on such portion of his military duty as, under the rules for the time being in force, is permitted to count for pension.

[2]Provided that in the case of a Government servant (other than a Government servant who became subject to these Rules before the 10th April 1934) who becomes subject to these Rules in the calendar year in which he was transferred from military to civil employ, and who before transfer was subject to Military leave rules, the credit under this clause shall be reduced by 1/11th of the duty intervening between the date of his becoming subject to these rules and the termination of the calendar year of transfer, but this reduction shall not be made if privilege leave under the military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year.

(e) A statutory civil servant or a Government servant who is subject, at the time when these rules come into force, to the Indian Service Leave Rules which were in force in January, 1920, is entitled to credit to his leave account, in addition to the periods admissible under clause (b) above, one-third of any period of leave on medical certificate taken under the former rules.

Government of India's decisions.—

(1) See item (1) of the Government of India's decisions below F. R. 100 in this Section.

(2) The Government of India have decided that it was not the intention that the privilege leave admissible in cases of urgent necessity under Article 271, Civil Service Regulations, should be carried into the leave account under the Fundamental Rules. Such privilege leave is not leave due, though it may be granted under certain circumstances. When urgent necessity arises, Fundamental Rule 82(*c*) permits an increase of the leave on the credit side by one month for every two years

[1]This proviso has effect from the 4th December 1928.

[2]This proviso has effect from the 10th April 1934.

of duty. In this manner the period of duty rendered before 1st January 1922, which would have counted for leave under Article 271, Civil Service Regulations, will likewise be reckoned as duty, for the calculation of leave permissible in cases of urgent necessity after 1st January 1922. Thus existing rights are safeguarded.

[G.I., F.D. No. 448-C.S.R., dated the 20th March 1923.]

(3) *See* Government of India's decision below Fundamental Rule 100 in Section II.

Audit Instructions—

(1) See Audit Instruction below F. R. 76 in this Section.

(2) Five-twenty-seconds of the period spent on duty should be calculated thus:—

The amount of duty as expressed in terms of years, months and days should be multiplied by five and the product divided by twenty-two. In this process of multiplication and division a month should be reckoned as equal to 30 days.

Two-elevenths of the period spent on duty should also be calculated similarly.

[Para. 11(*i*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) In calculating the leave admissible to Government servants subject to the ordinary leave rules for a part of their service and to the special leave rules for the remainder of their service, the periods spent on duty under each of those rules should be taken separately and the calculation of the leave admissible in respect of each of those periods should be made separately. According to this interpretation of the rule, the amount of leave that will be credited to the leave account of a Government servant who was originally under the Indian Service Leave Rules and then came under the European Service Leave Rules will, under Fundamental Rule 77 (*b*)be--(*i*) the privilege leave which it would, on the date on which he becomes subject to the Fundamental Rules, be permissible to grant to him under the rules in force prior to that date, *plus* (*ii*) one-twelfth of the period spent on duty or on privilege leave during the period he was under the Indian Service Leave Rules, *plus* (*iii*) one-eighth of the period spent on duty or on privilege leave during the period he was subject to the European Service Leave Rules prior to the date of his coming under the Fundamental Rules *plus* (*iv*) five-twenty-seconds of the period spent on duty subsequent to the date of his coming under the Fundamental Rules. The concession in Fundamental Rule 77(*e*) should also be allowed subject to the proviso that the total leave so credited under Fundamental Rule 77(*b*) (*ii*) should not exceed what would have been admissible had the Government servant been under the European Service Leave Rules from the beginning of his service.

[Para. 11(*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(4) The expression "period spent on duty" in clause (*b*) (*i*) (2), (*b*) (*i*) (3) and (*b*) (*ii*) (2) of this rule includes also periods of subsidiary leave taken under the rules in force prior to the 29th July 1920.

[Para. 12(*i*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The leave of a Government servant, who has hitherto been in the employ of the Defence Department and subject to the Civil Service Regulations, should, on his permanent transfer to the Civil Department, be regulated under F. R. 77(*b*) and not under F. R. 77(*d*). Any temporary service rendered by such a Government servant under the Civil Service Regulations counts for leave under S. R. 286.

[Para. 12(*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(6) The full pay leave admissible annually to the Sub-Assistant Surgeons of the Indian Medical Department under paragraph 79(*ii*) of the Regulations for the Medical Services of the Army in India shall, on their substantive appointment to permanent posts in Civil employ, be treated as privilege leave for the purposes of the Fundamental Rules.

[Para. 12(*iii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(7) *Leave Account of Military Commissioned Officers in permanent civil employ who revert permanently to the Defence Department and are again transferred to the Civil Department and become subject to Fundamental Rules.*—The net amount of leave in the officer's leave account under the Fundamental Rules on the date of his reversion to the Defence Department should be credited to his leave account when he again becomes subject to those rules and his leave account should be drawn up in the following manner :—

(*i*) Net amount of leave under Fundamental Rules at credit on the date of reversion to the Defence Department ; *plus*

(*ii*) the leave on average pay under F.R. 100 at credit on the date on which he again becomes subject to the Fundamental Rules ; *plus*

(*iii*) one-eighth of the period spent on duty and on privilege leave from the date of reversion to the Defence Department to the date on which he again becomes subject to these rules ; *plus*

(*iv*) five-twenty-seconds or two-elevenths of the period spent on duty subsequent to that date, according as he is subject to the special or the ordinary leave rules.

[Para. 13(*i*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(8) Temporary service in the Indian Medical Service, which is not service under the Indian Army Leave Rules, does not count for the purpose of leave under Fundamental Rule 77(*c*).

[Para. 13 (*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 51, dated the 1st April 1940.]

(9) In calculating the amount of leave that should be credited to the leave account of a Government servant, other than a Military Commissioned Officer, on his permanent transfer from Military to Civi

employ, clause (*d*) of Fundamental Rule 77 should be *read* with the provisions of the preceding clauses, of that rule, so that such portion of the Government servant's military duty as, under the rules for the time being in force, count for pension should be reckoned as duty for the calculation of the amount of leave to be credited under clause (*b*) of the rule.

In the same connection, a further point for consideration is whether, in cases where a portion of the Military Service, which is allowed to count for civil leave under clause (*d*), was rendered prior to the 24th July 1923, the date on which "domicile" was adopted as the sole criterion for eligibility for admission to the benefits of the special leave rules, the proportion for the calculation of the credit in respect of that portion of the Military service should be one-eighth or one-twelfth. This point will be decided by the Governor General in Council in each case as it arises on its merits.

[Para. 14, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

☞ *Auditor General's decision.*—Officers who join the Indian Army from a British Unit or from the Unattached List of the Indian Army are under the British Service Leave Rules during the period intervening between the date of their first commissions and the date on which they join an Indian Army Unit. Any portion of such service spent out of India, being neither service out of India under the Indian Army Leave Rules nor service in India under the British Army Leave Rules, cannot, therefore, count towards leave under Fundamental Rule 77(c)(2) (*ii*) or (*iii*).

[Ar. G's letter No. 331-A/113-28, dated the 29th November 1928].

F. R. 78. The amount of leave debited against a Government servant's leave account is—

(a) the actual period of leave on average pay including any furlough on average pay taken under rules previously in force but excluding special disability leave on average pay under Rule 83 (7), and

(b) half the period of leave on half average pay (other than special disability leave) or on quarter average pay or on leave-salary equal to subsistence grant under the note to Rule 88, or of special disability leave on average pay under Rule 83 (7) (b).

Note 1.—No privilege leave taken under the former Civil Leave Rules, or by a military officer under the British or Indian Army Leave Rules before coming under civil rules, is to be debited under (a) above.

Note 2.—(1) Under (b) above are to be debited—

(a) Furlough, leave on medical certificate and special leave with allowances taken under either the European Service Leave Rules or the Indian Service Leave Rules as they stood before these rules came into force.

[1](b) In the case of a military commissioned officer who becomes subject to these Rules, leave in and out of India on less than full pay actually taken during the following periods of service :—

(1) service in India under the Indian Army Leave Rules or the British Army Leave Rules, and

1 This amended sub-clause has effect from the 29th January 1930.

(2) service out of India under the Indian Army Leave Rules subsequent to the date of first arrival in India.

Provided that the debit on this account shall not exceed the credit given in respect of such service under Rule 77 (c).

(ii) In the case of a member of the Indian Civil Service or a military commissioned officer subject to these rules other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules or a chaplain on the Indian Ecclesiastical Establishment, special leave with allowances taken under rules previously in force, and leave not due taken under these rules, up to a combined maximum of three months, reckoned in terms of leave on average pay, shall not be so debited.

Note 3.—In cases covered by Rule 77(d), the leave taken during the period of duty on which the credit to the leave account is based is to be debited as prescribed in Notes 1 and 2 above.

Secretary of State for India's decision.—See Secretary of State for India's decision reproduced in Appendix 30, as introduced by Correction Slip No. 265, dated the 28th May 1940, on page 172 of Volume II of this Compilation.

Government of India's ruling.—Leave "not due" taken under Note 2(*ii*), whether on medical certificate or not, should not up to a maximum of 3 months expressed in terms of leave on average pay be debited to the leave account of a member of the Indian Civil Service, or a military commissioned officer subject to the Fundamental Rules.

[G.I., F.D. No. 622-C.S.R., dated the 20th April 1923].

Audit Instruction.—Leave on average pay taken under Fundamental Rule 100 should not be debited against the leave account under Fundamental Rule 78(*a*).

[Para 15, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—The words 'other than such an officer who became subject to these rules after 28th February 1928 and is subject to the ordinary leave rules' occurring in Note 2(*ii*) to Fundamental Rule 78 are intended to qualify both the expressions 'a member of the Indian Civil Service' and 'a military commissioned officer subject to these rules' occurring in the same Note.

[Ar. G.'s endorsement No. 174A/99-39 dated the 27th March 1939.]

F. R. 79. When a Government servant who has previously been subject to the ordinary leave rules, is admitted to the benefits of the special leave rules, no change shall be made in the amount of leave previously credited and debited to his account, but he shall be entitled to the maximum amount of leave prescribed in Rule 81(a)(i).

F. R. 80. The amount of leave due to a Government servant is the balance of leave at his credit in the leave account.

F. R. 81. Leave may be granted to a Government servant at the discretion of the authority entitled to grant the leave, subject to the following restrictions:—

(a) **The maximum amount of leave which may be granted, expressed in terms of leave on average pay, is the privilege leave which it would be permissible to grant to the Government**

servant in question, on the date on which he becomes subject to these rules, under the rules applicable to him prior to that date ; *plus*

one-eleventh of the period spent on duty subsequent to that date ; *plus*

(i) in the case of Government servants under the special leave rules, three years ; or

(ii) in the case of Government servants under the ordinary leave rules, two and a half years.

[1]Provided that special disability leave on half average pay or on average pay under Rule 83 (7) (a) shall not be taken into account in calculating the maximum prescribed by this clause, and, in the case of such leave taken on average pay under Rule 83 (7) (b), account shall be taken of only half the period thereof.

(b) The maximum amount of leave on average pay including any furlough on average pay taken under rules previously in force [2] [but excluding special disability leave on average pay under Rule 83 (7) (a)] which may be granted is :-

(i) To a Government servant under the special leave rules' eight months at any one time,
and, in all—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules applicable to him prior to that date ; *plus*

one-eleventh of the period spent on duty subsequent to that date ; *plus* one year.

[3] (ii) To a Government servant under the ordinary leave rules, four months or to such Government servant attached to the Kashgar Consulate-General, six-months, at any one time,
and, in all—

the privilege leave which it would, on the date on which he comes under these rules, be permissible to grant to him under the rules in force prior to that date ; *plus*

[4] one-eleventh of the period spent on duty subsequent to that date;

provided that, in the case of a Government servant [4] [other than an inferior Government servant] subject to the ordinary

[1] This amended proviso has effect from the 13th April 1926.

[2] [] Inserted with effect from the 13th April 1926.

[3] This amended clause has effect from the 7th September 1927.

[4] [] Inserted with effect from the 2nd March 1922, with the previous sanction of the Secretary of State.

leave rules, who either takes leave on medical certificate [1][other than leave preparatory to retirement] or spends his leave elsewhere than in [2][India, Ceylon, Nepal, Burma or Aden] the maxima prescribed in sub-clause (i) of this clause shall apply.

Note 1.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clauses (i) and (ii) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

[3]Note 2.—The leave on average pay which on the date on which he becomes subject to these Rules it would be permissible to grant to a Military Commissioned officer under Rule 109 should, when he becomes so subject, be treated as privilege leave for the purposes of sub-rules (a) and (b) of this Rule.

(c) [1][Save in the case of leave preparatory to retirement], leave not due may be granted subject to the following conditions :—

(i) on medical certificate, without limit of amount ; and

(ii) otherwise than on medical certificate, for not more than three months at any one time and six months in all, reckoned in terms of leave on average pay.

[4]Note. —In cases where a Government servant who has been granted leave not due under this clause applies for permission to retire voluntarily the leave not due shall, if the permission be granted, be cancelled and his retirement shall have effect from the date on which such leave commenced.

(d) The maximum period of continuous absence from duty on leave granted otherwise than on medical certificate is twenty-eight months. [1][This period shall in no circumstances be exceeded by a Government servant who is on leave preparatory to retirement.]

(e) When a Government servant returns from leave which was not due and which was debited against his leave account, no leave will become due to him until the expiration of a fresh period spent on duty sufficient to earn a credit of leave equal to the period of leave which he took before it was due.

Government of India's orders.—

(1) Any period of leave on average pay not exceeding four months, the first four months of any period of leave on average pay in excess of four months, or any longer period, to which Government servants may be entitled under the operation of the note [present Note 1] under Fundamental Rule 81(a), shall count as privilege leave, whether in the calculation of pensions, proportionate pensions or additional pensions

[1] Inserted with effect from the 12th May 1926.

[2] Substituted for the words "India, Ceylon or Nepal" with effect from the 1st February 1933. The words "India, Ceylon or Nepal" were substituted for the word "India or Ceylon" with effect from the 21st July 1931.

[3] This Note has been introduced with effect from the 4th December 1928.

[4] This Note has been introduced with effect from the 16th March 1907.

Any other period of leave during which leave salary is drawn shal count as leave with allowance.

Leave on average pay alternating with deputation out of India should not be split up into different periods but treated as one continuous spell of leave and not more than 4 months in all should count for pension.

[G. I., F.D. Res. No. 1260-C.S.R., dated the 21st December 1921 and No. F/252-C.S.R./26, dated the 19th August 1926.

(2) In the case of a Government servant on leave on 1st January 1922 who, in the exercise of the option given in paragraph 5 of G. I. F. D. letter No. 1079-C.S.R., dated 26th October 1921 (*vide* G.I. Order below F. R. 58 in this section), cancelled the unexpired portion of his leave and took the balance of leave under the Fundamental Rules, the period of leave which shall count as privilege leave in the calculation of pensions, proportionate pensions or additional pensions shall be that which is credited as privilege leave in the leave account made up to 1st January 1922.

[G.I., F.D. Res. No. 1137-C.S.R., dated the 6th July 1923].

(3) The Governor General in Council has decided that in cases governed by item (1) of the Audit Instructions below this rule, the balance of the unenjoyed leave should be worked out before the deputation intervenes and the amount of leave to be enjoyed subsequently on the expiry of the deputation should be restricted to this available balance.

[G.I., F.D. letter No. F.-7(5)-R.I/39, dated the 6th February 1939].

(4) As the proviso to sub-clause (*ii*) of clause (*b*) of Fundamental Rule 81 as amended in the Finance Department Notification No. F. 7 (47)-R.I/35, dated the 11th June 1936 has effect from the 12th May 1936 it should govern all leave which commences after that date, even though such leave may have been sanctioned before that date.

When average pay is drawn by virtue of a medical certificate under the proviso to sub-clause (*ii*) of clause (*b*) of Fundamental Rule 81, it is reasonable that Government should have the opportunity to recover the difference between average pay and half average pay for the period of leave on average pay which would not have been admissible had the proviso to F. R. 81 (*b*) (*ii*) not been applied. An undertaking to this effect should, therefore, be taken from those officers who take advantage of the proviso referred to above, but the question whether the officer concerned should be called upon to refund the amount drawn in excess as leave salary should be decided on the merits of each case, *i.e.*, if the retirement is voluntary, refund should be enforced, but if the retirement is compulsorily thrust upon an officer by reason of ill-health incapacitating him for further service, no refund should be taken.

The leave on average pay on medical certificate granted under the proviso to Fundamental Rule 81(*b*) (*ii*) to a Government servant who subsequently retires should be commuted into leave on half average pay

and should count for pension as leave on half average pay even though the Government servant concerned is not called upon to refund the amount drawn in excess as leave salary.

Article 157(*a*) of the Audit Code, Volume I [Art. 254 (*a*), Audit Code, First Edition, 1939] applies to the decision contained in paragraph 1 above. The interpretation should have effect from the 10th August 1937 and the excess amount of leave salary or pension already paid before that date will not be recovered. The new interpretation should be applied only to cases in which pension was sanctioned on or after 10th August 1937 and pension in other cases should *not* be recalculated.

[G.I., F. D. No. F.-7(47)-R. I/35, dated the 10th August 1937 and G.I., F.D. letter No. D.-559-R. II/38, dated the 25th March 1938.]

Note.—The above instructions should be followed *mutatis mutandis* in respect of officers of the Central Government (Civil) whose leave is regulated under Article 325-A of the Civil Service Regulations.

(These orders take effect from the 26th July 1939 and any overpayment of leave salary already drawn before that date will not be recovered).

[G. I. F.D. Endorsement No. F.-7(39)-R. I/39, dated the 26th July 1939.]

(5) In the case of Indian Army Reservists employed in Government Departments who are recalled to the colours leave on average pay upto four months admissible under the Fundamental Rules, should be treated as privilege leave for the purpose of Rule 631, Pay and Allowance Regulations, Volume I.

The pecuniary benefit admissible in the case of such leave under Rule 634, Pay and Allowance Regulations, Volume I, should be calculated in terms of full or half *average* pay worked out on the basis of the civil emoluments that were actually drawn or that would have been drawn but for the reservist being called to the colours, during a period of 12 months immediately preceding the commencement of the leave.

[G.I., Defence Department (Army Branch), letter No. B.-59037/1/A.G.-10, dated the 2nd August 1940, received with the Auditor General's endorsement No. 279-A.K.W. 124-40, dated the 28th August 1940.]

Audit Instructions.—

(1) Subject to the consideration of special cases, when a Government servant is placed on deputation in Europe or America while on leave out of India, the deputation should be regarded as an interruption of the leave already granted. In ordinary circumstances the leave of such a Government servant will be extended by the period of the deputation, but the deputation will not entitle him to a fresh grant of leave. The expression " at any one time " in F. R. 81(*b*) should be interpreted as meaning " in each separate period of leave granted ".

[Para. 4, Chap. VII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) If leave on average pay is applied for after a Government servant has had leave on half average pay in continuation of a period of leave on average pay, either by the production of a medical certificate or by a Government servant proceeding out of India, Ceylon, or Nepal, the period of leave on average pay that may then be

granted should be limited to the period actually covered by the medical certificate or spent elsewhere than in India, Ceylon or Nepal. The grant of the leave should also be so regulated that the total period of leave on average pay during that spell of leave does not exceed 8 months. In such cases, the total period of leave on average pay shall be treated as one continuous spell of leave on average pay in order to determine whether the first four months of the leave should be treated as privilege leave for purposes of pension.

[Para. 16(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

[The above Audit Instruction does not require alterations of the original entries in the service book, leave account, etc. Thus the intervening period of leave on half average pay, which has not been converted into leave on average pay under the operation of the proviso to Fundamental Rule 81(*b*) (*ii*), should remain unchanged.]

[Ar. G's No. 115-A/30-24, dated the 16th February 1925.]

(3) In addition to leave on average pay for four months under Fundamental Rule 83 (7) (*a*) which is not debitable to the leave account, the maximum amount of leave on average pay that can be taken whether under Fundamental Rule 83 (7) (*b*) or under Fundamental Rule 81 (*b*) or both can be only eight months. This follows from a consideration of the wording in Fundamental Rule 83 (7) (*b*), under which a Government servant is allowed to draw leave salary equal to average pay for a period not exceeding the period which would otherwise be admissible to him as leave on average pay. Under Fundamental Rule 81 (*b*) this period is limited to eight months under clause (*i*) or four months under clause (*ii*) which may be extended by another four months in certain circumstances [*vide* proviso to clause (*ii*)]. In case leave on average pay for eight months, if admissible under Fundamental Rule 81(*b*), is all taken under Fundamental Rule 83 (7) (*b*), no further leave on average pay can be taken under the provisions of the former rule. The total leave *on average pay* that can be granted to a Government servant therefore is only twelve months, *viz.*, four months under Fundamental Rule 83 (7) (*a*) and eight months under Fundamental Rule 83 (7) (*b*) or under Fundamental Rule 81 (*b*) or both.

Under Fundamental Rule 83(4) special disability leave can be combined with leave of any other kind. There is no objection to the interpolation of ordinary leave between periods of special disability leave provided that the limits laid down in Fundamental Rule 81(*b*) are not exceeded in respect of leave on average pay other than special disability leave taken under Fundamental Rule 83 (7) (*a*). An amplification of Fundamental Rule 83 (4) has not been considered to be necessary as Fundamental Rule 81(*b*) indicates clearly that for the calculation of the maximum, leave on average pay other than such leave taken under Fundamental Rule 83 (7) (*a*) should not be excluded.

[Para. 16(*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(4) If, under the operation of the proviso to F. R. 81 (*b*) (*ii*) the maximum amount of leave on average pay admissible at a time (*i.e.*, the period of leave at credit in column 6 of the leave account subject to a

maximum of four months) is increased, further leave on average pay may not be granted in continuation, unless such leave is taken on medical certificate or is spent elsewhere than in India, Ceylon or Nepal, but such leave on average pay which may be taken on medical certificate or outside India, Ceylon or Nepal, up to a maximum of 12 months in a Government servant's whole service, if due, does not consume the leave on average pay which may be taken without medical certificate.

[Para. 16(iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint.)]

(5) The Governor General in Council has ruled—

(1) that leave not due may in no case be granted unless the sanctioning authority is satisfied that, as far as can be reasonably foreseen, the Officer will return to duty and earn it; and

(2) that, except as provided in the Note to Fundamental Rule 81(c), the leave when granted should in all cases (subject to the Government servant's wishes) be allowed to stand, including cases in which the officer fails to earn it by subsequent duty.

N.B.—The first item of this ruling does not apply in the case of leave not due to which a Government servant may be eligible under Note 2(ii) to Fundamental Rule 78

[Para. 17(*a*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(6) See item (2) of the Audit Instructions below F. R. 85 in this Section.

(7) See item (2) of the Audit Instructions below F. R. 87 in this Section.

(8) The limit of 28 months of continuous absence prescribed in Rule 81(*d*) includes the period of vacation, if any, with which leave is combined.

[Para. 18, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(9) The expression "continuous absence from duty on leave" occurring in Rules 81(*d*) and 88 does not include absence on extraordinary leave.

[Para. 19 (*i*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(10) The expression 'continuous absence from duty on leave' occurring in Fundamental Rules 81(*d*) and 88 includes absence on 'special leave' granted in connection with the award of Commonwealth Fund Service Fellowships, if, owing to a combination of ordinary leave with such 'special leave', the aggregate period of absence exceeds 28 months.

[Para. 19 (*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decisions.—

(1) A Government servant under the ordinary leave rules can have leave on full average pay without medical certificate or without proceeding outside India or Ceylon, only to the extent of privilege leave at his credit on 1st January 1922 *plus* one-eleventh of the

period spent on duty subsequent to that date, in all and up to a maximum of 4 months at one time (but see note—present note 1—under Fundamental Rule 81(*b*)). If, however, he produces a medical certificate or spends his leave outside India or Ceylon, leave on full average pay may be granted to him up to the maximum prescribed in sub-clause (*i*) of clause (*b*) of Fundamental Rule 81, provided that he has sufficient leave at his credit in his leave account.

[Ar. G's No. 1136-A/398-23, dated the 16th November 1923.]

(2) A Government servant subject to the ordinary leave rules—

(*a*) may be granted leave on average pay *at one time* on medical certificate or on the condition that the leave is spent elsewhere than in India or Ceylon, up to the amount due but not exceeding 8 months;

(*b*) may be granted leave on average pay *in all* equal to the privilege leave which it would, on the date on which he comes under the Fundamental Rules, be permissible to grant to him, under the rules applicable to him prior to that date *plus* one-eleventh of the period spent on duty subsequent to that date *plus* any period of leave on average pay taken on medical certificate or spent elsewhere than in India or Ceylon, subject to a maximum of one year.

[Ar. G's No. 372-A/69-23, dated the 10th March 1923.]

(3) When the privilege permitted by Fundamental Rule 82(*c*) is exercised, the additional leave permissible under that clause becomes "leave due", and thus acquires a character different from the leave not due which may be granted under Fundamental Rule 81(*c*). Leave under this rule and under Fundamental Rule 82 (*c*) may be granted in conjunction.

[Ar. G's No. 648-A/172-23, dated the 16th May 1923.]

(4) Leave "not due" can be granted under Fundamental Rule 81(*a*) (*ii*) to an officer whose leave account shows a debit balance in consequence of the grant of leave "not due" on a previous occasion. It was the avowed object in framing the new leave rules in the Fundamental Rules to remove from the rules themselves restrictions which could be applied by the administrative action of the authorities and consequently the authority competent to sanction leave can always refuse to grant a fresh period of leave "not due" if the application to such leave is not supported by a medical certificate.

[Ar. G's No. 98-A/492-23, dated the 28th January 1924.]

(5) For the purpose of the proviso to F. R. 81 (b) (ii) Aden should be taken as being within India. This decision has the concurrence of the Government of India.

[Ar. G's letter No. T-792A/134—30, dated the 12th July 1930.]

(6) A Government servant, who is subject to the ordinary leave rules, was on leave on average pay without medical certificate from the 15th September 1935 to the 31st October 1935, after the expiry of which he was placed under suspension from 1st to 27th November 1935 pending the result of a departmental inquiry against him. His case was dealt with under F. R. 54(*b*) and he was re-instated on reduced pay but instead of resuming duties, he applied for and was granted leave on

average pay without medical certificate from the 28th November 1935 to the 13th December 1935. This was followed by a further application for extension of leave on medical certificate.

A question arose whether the total absence on leave right from the commencement, *viz.*, the 15th September 1935, should be treated as one spell of leave for purposes of grant of leave on average pay for 8 months or whether the period of suspension should be treated as an interruption and the two periods of leave before and after the suspension should be treated as different spells of leave and the former excluded from consideration for this purpose. It was decided in consultation with the Government of India that in this case the effect of the leave on average pay following the period of suspension was to postpone the reduction of pay and doubtless that was why the leave was taken and as such for the purpose of the maximum limit of leave on average pay that might be granted "at any one time" the period of suspension should be ignored and the two periods of leave treated as one continuous spell of leave.

[Mr. G.'s letter No. F.-180-A/90-36, dated the 22nd May 1936.]

(7) Whenever a Government servant subject to the Special Leave Rules applies for leave, the amount of leave at credit has to be arrived at each time [*vide* instruction (3) for filling up the F. R. Form No. 9] by calculating the amount of leave earned up to the date of handing over charge and adding to it the last previous balance if any of leave at his credit. Similarly calculation of leave on average pay at 1/11th of duty should be worked out separately on a side of the leave account. In doing so, calculations should be made and rounding of fractions effected each time an officer proceeds on leave. The method adopted should thus be exactly the same as applicable to Government servants subject to the ordinary leave rules.

It is, however, not the intention that all the leave accounts of officers subject to the Special Leave Rules should be overhauled and the small difference of a day or two resulting from the adoption of the new procedure regularised. In cases in which subsidiary leave accounts on average pay have not yet been opened under the revised procedure, such accounts should now be opened as and when the occasion arises in accordance with the procedure as indicated below, the revised method of calculation of one-eleventh of duty being given effect to from the 1st September 1939 and the credits already given in the leave account up to 31st August 1939 under the old procedure being left undisturbed :—

Privilege Leave on 1st January 1922		
Additional one year		
1/11th of duty from 1st January 1922 to 31st August 1939		
Total		
Furlough on average pay prior to Fundamental Rules (show dates and period) ..		
Leave on average pay under Fundamental Rules (up to 31st August 1939) (show dates and period)		—
Balance on 1st September 1939		

Less Leave on average pay taken from 1st September 1939 to———	..	..
Balance	..	..
Add 1/11th of duty from.....to.....	..	—
Total	..	..
Less Leave taken	..	..
Balance	..	..

and so on.

[Auditor General's endts. No. 439-A/293-39, dated the 25th Oct. 1939 and No. 187—Admn./8/40, dated the 24th June 1940.]

F. R. 82. The following provisions apply to vacation departments only :—

(a) **A Local Government may make rules specifying the departments or parts of departments which should be treated as vacation departments, and the conditions in which a Government servant should be considered to have availed himself of a vacation.**

(b) **Vacation counts as duty, but the periods of total leave in Rules 77, 81(a) and 81(b) should ordinarily be reduced by one month for each year of duty in which the Government servant has availed himself of the vacation. If a part only of the vacation has been taken in any year, the period to be deducted will be a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.**

(c) **In cases of urgent necessity, when a Government servant requires leave and no leave is due to him, the periods in Rules 77 and 81(a), as reduced by clause (b) of this rule, may be increased by one month for every two years of duty in a vacation department.**

(d) **When a Government servant combines vacation with leave, the period of vacation shall be reckoned as leave in calculating the maximum amount of leave on average pay which may be included in the particular period of leave.**

Government of India's order.—In the case of a Government servant who, at the time of going on leave, has not completed a full year of duty and has not for that reason enjoyed any portion of a vacation but who enjoys the next vacation in continuation of the leave, it has been decided that, for the purpose of clause (*b*) of this rule as explained in item (3) of 'Audit Instructions', a deduction of 1/12th may be made for the period for which 1/11th is credited. If subsequently it is found that the vacation has not been enjoyed, the deduction already made can be suitably corrected.

[Ar. G's letter No. 170-A/109-32, dated the 22nd July 1932.]

Audit Instructions.

(1) The restrictions on the combination of leave and vacation which were imposed by Article 278, Civil Service Regulations are not perpetuated under the Fundamental Rules. Such combination is, however, under the latter rules, subject to the condition mentioned in F. R. 82(*d*), and it is thus permissible to allow a vacation to intervene between two periods of leave. Similarly vacations may be prefixed or affixed to leave or both prefixed and affixed.

[Para. 20(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The reduction by one month for each year of duty in which the Government servant has availed himself of the vacation as required to be made under Rule 82 (*b*) is intended to be made in respect of leave earned and vacation taken from 1st January 1922.

Thus, in the case of Government servants of Vacation Departments, the leave credited to their leave account under Fundamental Rule 77 will be—

(1) privilege leave at their credit on 1st January 1922, *i.e.*, privilege leave earned under Articles 272 to 275, Civil Service Regulations, *plus*

(2) one-eighth (or one-twelfth) of the period spent on duty or vacation (or privilege leave) up to 31st December 1921, *plus*

(3) five-twenty-seconds (or two-elevenths) of the period spent on duty or vacation from 1st January 1922.

From this, a reduction will be made of one month for each year of duty in which the Government servant avails himself of the vacation after 1st January 1922. Similarly the total leave admissible under Fundamental Rules 81(*a*) and 81 (*b*) will be reduced by one month for each year of duty in which the vacation is taken after 1st January 1922.

[Para. 20(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The term "each year of duty" should be interpreted to mean, not a calendar year in which duty is performed, but twelve months of actual duty in a vacation department. If the Government servant has enjoyed such vacation as falls within a period of twelve months beginning on the day on which he begins his duty on return from leave or otherwise, then one month should be deducted from his leave account. It does not matter whether the day on which this year ends, falls in a vacation in the succeeding calendar year. The only question is whether the Government servant has enjoyed such vacation as fell within the period of one year as interpreted above.

If, to take an example, a Government servant before going on leave has not completed a full year of duty (including vacation) during the course of the second calendar year, then the fraction of one month which should be deducted from the leave account is the fraction which the period of duty, including vacation, bears to the whole year. If, to take a further

complication, he has not enjoyed the whole of the vacation which fell during that period of less than a year, then the amount which should be deducted is the proportion of the period, which the proportion of vacation actually enjoyed bears to the whole period of vacation which fell within that period.

In the case of Government servants who are allowed two vacations in the year instead of one, the periods of the two vacations should be regarded as combined into one.

[Para. 20(*iii*), Chap. X. Sec. I of Manual of Audit Instructions (Reprint).]

(4) The amount credited to the leave account under Rule 82(*c*) as well as that added to the maximum under Rule 81(*a*) should be the actual amount of additional leave taken under the former Rule and not the total amount theoretically permissible, *viz.*, one month for every two years of duty.

[Para. 20(*iv*), Chap. X., Sec. I of Manual of Audit Instructions (Reprint).]

(5) A Government servant of a vacation department may be granted the additional leave which is credited under Fundamental Rule 82(*c*) even though he has a debit balance in his leave account due to the fact that leave not due has not been liquidated as required by Fundamental Rule 81(*e*).

The credit of one month under Fundamental Rule 82(*c*) is for every completed two years of duty and no fractional credit for a period of less than two years is permissible.

[Para. 20(*v*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by C.S. No. 7, dated 1-4-1938.]

(6) For the purposes of Government of India, Finance Department Resolution No. 1260-C.S.R., dated the 21st December 1921 [item (1) of the Government of India's Orders below F. R. 81 in this Section], a Government servant of a vacation department who combines vacation with leave on average pay can count as service for pension only a total period of four months on each occasion; except in cases where the total amount of vacation taken is four months or more, in which cases the full amount of vacation, and no leave, will count as service.

[Para. 16(*ii*), Sec. III of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—As under Fundamental Rule 82(*d*) a Government servant of a vacation department can combine vacation with leave on average pay subject only to the condition that the vacation so combined should be treated as leave for the purpose of determining the maximum period of leave on average pay which can be had in one spell, the limit of leave on average pay ordinarily admissible when it is combined with vacation by a Government servant of a vacation department subject to the ordinary leave rules will be either the credit in column 6 of the leave account *plus* the period of vacation or 4 months, whichever is less.

[Ar. G.'s letter No. T.-894-A/100-31, dated the 13th July 1932.]

[1]F. R. 83. (1) Subject to the conditions hereinafter specified a local Government may grant special disability leave to a Government servant who is disabled by injury intentionally inflicted or caused by, or in consequence of, the due performance of his official duties or in consequence of his official position.

(2) Such leave shall not be granted unless the disability manifested itself within three months of the occurrence to which it is attributed, and the person disabled acted with due promptitude in bringing it to notice. But the Governor General in Council, if he is satisfied as to the cause of the disability, may permit leave to be granted in cases where the disability manifested itself more than three months after the occurrence of the cause.

(3) The period of leave granted shall be such as is certified by a medical board to be necessary. It shall not be extended except on the certificate of a medical board, and shall in no case exceed 24 months.

(4) Such leave may be combined with leave of any other kind.

(5) Such leave may be granted more than once if the disability is aggravated or reproduced in similar circumstances at a later date, but not more than 24 months of such leave shall be granted in consequence of any one disability.

(6) Such leave shall be counted as duty in calculating service for pension and shall not, except as provided in Rule 78 (b), be debited against the leave account.

(7) Leave salary during such leave shall [2] [] be equal—

(a) for the first four months of any period of such leave, including a period of such leave granted under clause (5) of this Rule, to average pay, and

(b) for the remaining period of any such leave to half average pay, or at the Government servant's option, for a period not exceeding the period of average pay which would otherwise be admissible to him, to average pay.

[3] Provided that the maxima specified in the table in sub-rule (2) of Rule 89 shall, notwithstanding anything contained in that Rule, apply to the whole period of such leave and the minima specified in the table in Rule 89 shall apply when leave salary during such leave is equal to half average pay subject to the conditions stated in that rule and in the notes thereunder.

[1]This amended rule has effect from the 13th April 1926.

[2][] Deleted with effect from the 13th April 1926.

[3]This proviso has effect from the 13th April 1926.

(8) In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this Rule shall, with effect from the 1st July 1924, be reduced by the amount of compensation payable under section 4(I)(d) of the said Act.

[1](9) **The provisions of this Rule apply to a civil servant disabled in consequence of service with a military force, if he is discharged as unfit for further military service, but is not completely and permanently incapacitated for further civil service, and to a civil servant not so discharged who suffers a disability which is certified by a medical board to be directly attributable to his service with a military force ; but in either case, any period of leave granted to such a person under military rules in respect of that disability shall be reckoned as leave granted under this Rule for the purpose of calculating the period admissible.**

Secretary of State's decision.—The intention of *old* Fundamental Rule 83(*c*) [corresponds to *new* F. R. 83(9)] is not that special disability leave should be given to cover any portion of an officer's military service, but that it should be admissible only after the officer's discharge as unfit for further military service.

[G.I., F.D., No. F./21/II-C.S.R./24, dated the 30th July 1924.]

Government of India's decision.—The provisions of Rule 83 may be applied to any cases that may have arisen since the commencement of the Great War.

[G.I., F.D. No. 1221-C.S.R., dated the 18th July 1923.]

Audit Instruction.—See item (3) of the Audit Instructions below F. R. 81 in this Section.

Auditor General's decision.—The Auditor General has decided with the approval of the Government of India that in the case of an officer who has served under more than one Government the Special Disability leave granted under Fundamental Rule 83 (7) (*b*) half of which is debited to the leave account under Fundamental Rule 78 (*b*) should also be debited to the subsidiary leave account and that the actual amount of leave salary for the whole period of the leave should be apportioned between the Governments concerned in accordance with the ordinary rules on the subject.

[Ar. G.'s endorsement No. 554-A.C./169-37, dated the 23rd December 1937.]

[1] This amended clause has effect from the 24th May 1920.

[1]F.R. 83A. The Governor General in Council may extend the application of the provisions of Rule 83 to a Government servant who is disabled by injury accidentally incurred in or in consequence of the due performance of his official duties or in consequence of his official position, or by illness incurred in the performance of any particular duty which has the effect of increasing his liability to illness or injury beyond the ordinary risk attaching to the civil post which he holds. The grant of this concession is subject to the further conditions :—

(i) that the disability, if due to disease, must be certified by a medical board to be directly due to the performance of the particular duty ; and

(ii) that, if the Government servant has contracted such disability during service otherwise than with a military force, it must be, in the opinion of the Governor General in Council, so exceptional in character, or in the circumstances of its occurrence as to justify such unusual treatment as the grant of this form of leave ; and

(iii) that the period of absence recommended by the medical board may be covered in part, by leave under this rule and in part by other leave, and that the amount of special disability leave granted on average pay may be less than four months.

[1]F.R. 83B. (1) A Government servant who has been granted special disability leave under Rule 83, and whose domicile is elsewhere than in Asia, may be granted by the authority which sanctioned the special disability leave, free passage by sea for himself, his wife, and children, to the United Kingdom, or to any port in Europe or in a British colony, dominion, or possession, and on the conclusion of such leave return passage to India, unless he takes leave other than leave on medical certificate in continuation of special disability leave, in which case return passage shall not be granted save with the special sanction of the Secretary of State in Council. Provided that the cost of any passages granted under this rule shall not exceed the cost of passages between India and the United Kingdom.

(2) Passages granted under this rule may include travel by land between port of embarkation and port of debarkation, and shall be of such class as the sanctioning authority in each case may determine.

(3) The Governor General in Council may extend the application of the provisions of clauses (1) and (2) to a Government servant who has been granted special disability leave under Rule 83A, and whose domicile is elsewhere than in Asia, provided that he may, at his discretion, grant free passages to the Government servant only, or to the Government servant and his wife only.

[1]This rule was introduced with effect from the 13th April 1926.

(4) For the purpose of this rule :—

[1](i) the domicile of a Government servant is his domicile at the time of his appointment to Government service, as determined in accordance with the provisions of clause 2 (a) of Rule 75 and of Rules 75-A, B and C.

(ii) "child" means a legitimate child (including a step-child) residing with and wholly dependent on the Government servant, who, if a female, is unmarried, or, if a male, is under the age of 16.

F. R. 84. Leave may be granted to Government servants, on such terms as the Secretary of State in Council may by general order prescribe, to enable them to study scientific, technical or similar problems or to undergo special courses of instruction. Such leave is not debited against the leave account.

Secretary of State's Rules regarding Study Leave.—See Secretary of State's Rules below Fundamental Rule 84 in Section II of this Volume.

Government of India's order.—All officers, whether granted study leave in India or whether they apply for it in the United Kingdom, should submit their programmes to the High Commissioner *before* embarking on their course of study.

[G. I., F. D. No. F.-20-II-C. S. R.-25, dated the 17th March 1925.]

Government of India's decisions—

(1) The Government of India have decided that the cost of the allowance paid to a Government servant during study leave shall be debited to the Government under which he is employed when the study leave is granted.

[G. I., F. D. No. 47-C.S.R., dated the 12th July 1924.]

(2) The Governor General in Council has decided that, so far as Government servants under his administrative control or serving in a Chief Commissioner's province are concerned it is not intended that the Study Leave Rules should be applied ordinarily in the cases of non-gazetted officers. Any proposal to extend the rules in exceptional cases to such officers should be referred to the Government of India for orders.

[G. I., F. D. No. F. 20-II-C.S.R.-25, dated the 15th April 1925.]

Audit Instructions—

(1) The limit of 28 months of absence from an officer's regular duties prescribed in Rule 2 of the Study Leave Rules includes the period of vacation, if any, with which study leave and other leave may be combined.

Para. 22 (i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

[1]This amended sub-clause has effect from the 31st December 1929.

(2) A Government servant of a vacation Department can draw study allowance during vacation if he prosecutes his studies during the period. The period of such a vacation will be taken into account in calculating the maximum period of two years for which study allowance is admissible.

[Para. 22 (*ii*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint)].

Audit Ruling.—Study leave may be granted to an officer of less than 5 years' service at the discretion of the authority competent to grant the leave.

[Ruling (33), Sec. IV of Compilation of Audit Rulings.]

F. R. 85. (a)—[1][**Extraordinary leave may be granted in special circumstances (1) when no other leave is by rule admissible, or (2) when other leave being admissible, the Government servant concerned applies in writing for the grant of extraordinary leave.**] **Such leave is not debited against the leave account. No leave-salary is admissible during such leave.**

(b) The authority which has the power to sanction leave may grant extraordinary leave as in clause (a) in combination with, or in continuation of, any leave that is admissible, and may commute retrospectively periods of absence without leave into extraordinary leave.

(c) When extraordinary leave is granted to a military officer subject to these rules, he will continue to be treated as in civil employ for all purposes until he is placed on military temporary non-effective pay by the order of a medical board. If, after being placed on military temporary non-effective pay, he returns to duty in India, he will have no claim to reinstatement in civil employ.

[*For Administrative Instructions issued by the Governor General in Council regarding* '**casual leave**' *see Part V (2) of Appendix 3 in Volume II of this Compilation.*]

Government of India's decision.—The power of commuting retrospectively periods of absence without leave into extraordinary leave under F. R. 85 (*b*) is absolute and not subject to the conditions mentioned in clause (*a*) of that rule ; in other words such commutation is permissible even when other leave was admissible to the Government servant concerned at the time his absence without leave commenced.

[G. I., F. D. No. F. 7 (18)-R.I./35, dated the 30th March 1935.]

[1] [] Substituted for the words "In special circumstances and when no other leave is by rule admissible, extraordinary leave may be granted" with effect from the 5th April 1932.

Audit Instructions—

(1) Extraordinary leave without pay granted under the rules of the Civil Service Regulations will not also be debited against the leave account under note (2) to Fundamental Rule 78.

[Para. 23 (*i*), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) 'Leave not due' applied for by a Government servant with or without medical certificate is 'leave admissible under rule' and in cases where 'leave not due' can be granted, the grant of extraordinary leave under Fundamental Rule 85 will be irregular unless the latter kind of leave is specifically applied for in writing.

[Para. 23 (*ii*), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—Extraordinary leave may be granted either by itself or in combination with or in continuation of other leave subject only to the provision in Fundamental Rule 18.

[Ar. G's No. 1091-A/433-23, dated the 31st October 1923.]

[1]**F.R. 86.** (a) Leave at the credit of a Government servant in his leave account shall lapse on the [2][date of compulsory retirement] provided that if in sufficient time before that date he has—

(1) formally applied for leave and been refused it, or

(2) ascertained in writing from the sanctioning authority that leave if applied for would not be granted—

in either case the ground of refusal being the requirements of the public service, then the Government servant may be granted, after the date of retirement, the amount of leave so refused subject to a maximum of six months.

(b) A Government servant retained in service after the date of compulsory retirement shall earn leave on average pay at the rate of 1/11th of duty performed after that date and shall be allowed to add thereto any amount of leave which could have been granted to him under clause (a) had he retired on that date. The total period which he may take on each occasion shall not exceed six months. [3][When his duties finally cease, the Government servant may be granted leave preparatory to retirement, up to a maximum of six months, as follows :—

(i) the balance after deducting the amounts of leave, if any, taken during the period of extension, from the amount of leave which could have been granted to him under clause (a) had he retired on the date of compulsory retirement, *plus*

(ii) the amount of leave earned under this clause which is due to the Government servant and which he has, in sufficient time during the period of extension—

(1) formally applied for and been refused, or

[1] This revised rule has effect from the 23rd April 1929.

[2] [] Substituted for the words "date on which he must compulsorily retire" with effect from the 31st March 1936.

[3] [] This revised sentence was inserted by G. I., F. D. Notification No. F. 7-(66) I./40, dated the 17th October 1940.

(2) ascertained in writing from the sanctioning authority, would not be granted if applied for,

in either case the ground of refusal being the requirements of the public service.]

Government of India's orders.—This rule does not apply to Assistant Surgeons of the Indian Medical Department in Civil employ.

[G. I., F. D. Endorsement No. F. 12 (63)-R.I./31, dated the 27th October 1931.]

Government of India's decisions—

(1) The grant of leave under this rule automatically carries with it the extension required and no formal sanction to the extension is necessary.

[G. I., F. D., No. 520-C.S.R., dated the 31st May 1922.]

(2) A deduction under F. R. 82 (*b*) on account of vacation enjoyed should also be made in the case of officers whose leave is regulated under F. R. 86 (*b*).

[G. I. F. D. U. O. No. 3045-R.I., dated the 10th January 1935, to A. G., C. R.]

(3) The present war has, among other things, focussed attention upon the position *vis-a-vis* Fundamental Rule 86 of officers compulsorily recalled from leave preparatory to retirement. As matters now stand, such recall involves partial or, if the officer is after recall retained up to normal superannuation or beyond, the complete cancellation of the balance of leave that would otherwise have been available. In order to alleviate this somewhat inequitable and adverse effect, therefore, the Governor General in Council is pleased to decide under Fundamental Rule 8 that compulsory recall from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave un-enjoyed for the purposes of Fundamental Rule 86.

[G. I., F. D Endorsement No. F. 7 (12)-R.I./41, dated the 10th March 1941.]

Audit Instructions—

(1) A Government servant retained in service after the age of compulsory retirement is entitled to earn leave under clause (*b*) of F. R. 86 and the debit balance, if any, on the date he attained that age should be considered as wiped off.

[Para. 24 (*i*), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) See item (3) of the Audit Instructions below Fundamental Rule 56 in this Section.

(3) See item (5) of the Audit Instructions below Fundamental Rule 56 in this Section.

(4) The period of six months mentioned in F. R. 86 includes any period of vacation with which leave is combined.

[Para. 24 (*iv*), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) Compulsory recall from leave preparatory to retirement should be deemed to be a constructive refusal of the balance of leave un-enjoyed for the purposes of Fundamental Rule 86.

Para. 24 (*v*), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 62, dated the 2nd June 1941

(6) The leave earned by the period of duty intervening between the refusal of leave pending retirement and the date of compulsory retirement is merged in the common pool in the leave account and forms an indistinguishable part of the total leave at credit the whole of which, with the exception only of the net amount of leave refused, lapses under clause (*a*) of Fundamental Rule 86 on the date of compulsory retirement. The grant of any leave between the date from which the 'refusal of leave' took effect and the date of superannuation should, therefore, be held to be a grant of leave against the amount originally refused. The amount of leave admissible under clause (*a*) *after* superannuation in such a case is, therefore, the amount of leave originally refused *minus* the amount of the 'post-refusal' leave enjoyed; and this difference is subject to a maximum of 6 months. This principle applies equally to leave available under clause (*b*), including that earned in respect of duty during a period of refused leave.

[Para. 24 (*vi*), Chap X, Sec. I of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 64, dated the 1st August 1941.]

(7) While the amount of the leave refused under F. R. 86 (*a*) is fixed, the quality of that leave (*i.e.*, on average or half average pay) whether it is taken before or after the date of compulsory retirement or after the date of final cessation of duties, may be varied within the normal leave rules to the advantage of the Government servant concerned in accordance with the leave *earned* and standing to his credit on the date on which he proceeds on leave prior to the date of compulsory retirement whenever he takes a portion of his refused leave before that date and ultimately on the date of his compulsory retirement, and no second application for leave in sufficient time and its refusal are necessary merely to ensure this variation. Similarly, the character of any period of leave on average pay admissible under F. R. 86 (*a*), original or so modified, may, if the Government servant so desires, be converted within the quantum admissible into a portion on average and the balance on half average pay. No such conversion, however, is admissible in respect of the leave on average pay (not in terms of average pay) earned under clause (*b*) of this Rule.

Para. 24 (*vii*), Chap X, Sec. I of Manual of Audit Instructions (Reprint) as amended by correction slip No. 86, dated the 2nd January 1946.]

Auditor General's decisions—

(1) The rule in Note 3 to Fundamental Rule 56 does not require that the authority sanctioning leave under Fundamental Rule 86 should necessarily be competent to sanction an extension of service also.

[Ar. G's No. 898-A/K.W. 79-22, dated the 15th August 1923.]

(2) The permission given by Fundamental Rule 86, for an officer being granted leave for not more than 6 months beyond the age at which he must compulsorily retire, also carries with it the permission for the officer to retain a lien on his post. As the officer does not continue on duty but merely draws a leave-salary by virtue of a privilege extended

to him, no formal extension of service is necessary. He retains a lien on his post and as such the post cannot be substantively filled till he actually retires from the service.

[Ar. G's U. O. No. 166-Code-1, Ref.-22, dated the 18th May 1922.]

(3) This rule simply limits the amount of leave that may be granted to Government servants who have reached or are about to reach the date on which they are required to retire. The kind of leave and the leave salary are determined not by this rule, but by the general Rules in F. Rs. 81 and 87. The proviso to F. R. 81 (*b*) (*ii*) should therefore be held to apply in cases of leave granted under F. R. 86.

[Ar. G's No. 314-A-63/24, dated the 22nd April 1924.]

(4) A Europe Leave-Salary Certificate should contain full particulars of the various kinds of leave that can be granted to a Government servant on leave out of India. The amount of leave admissible to a Government servant under Fundamental Rule 86 should consequently be entered therein without regard to the question of sanction which will be settled by the competent authority in England in consultation with the authorities in India, if necessary.

[Ar. G's No. T-576-A/303-23, dated the 1st August 1923.]

(5) Fundamental Rule 86 (*b*), as amended by *G. I., F. D. Notification* No. F. 7 (66)-R.I./40, dated the 17th October 1940, necessitates a change in the existing method of maintaining the leave account during the period of extended service. Under the old rule 86 (*b*), the leave admissible to a Government servant who was retained in service after the date of compulsory retirement, whether during the period of extended service or on the expiry of it, was granted against the total credit of leave due and not separately against the leave refused under clause (*a*) of the rule and carried over, and the leave earned under clause (*b*) during the period of extension. Under the amended rule it will, however, be necessary to exhibit in the leave account the two component parts of the total credit as distinct and separate items and to grant leave against the balance of either the one or the other of the two categories of leave. As it would be advantageous to the Government servant to consume first the leave earned during the period of the extended service and then the leave carried forward which would be free from the restriction of 'application in sufficient time', it has been decided with the concurrence of the Government of India that the leave taken during the period of extension should be debited first against the credit of leave earned during that period, until it is exhausted, and then against any credit of leave refused under Fundamental Rule 86 (*a*) and carried forward under Fundamental Rule 86 (*b*).

[Ar. G's letter No. 405-A/259-40, dated the 29th November 1940.]

Director General's Instructions.—Applications for leave under Fundamental Rule 86 should always be accompanied by a certificate from the controlling officer that the leave was applied for in time and refused owing to exigencies of the public service

[D. G., P. & T's No. 509-G, dated 15—17th March, 1924].

Section V.—*LEAVE-SALARY.*

F. R. 87. Subject to the conditions in Rules 81, 88, [1] [89, 90 and 91], a Government servant on leave shall, during leave, draw leave-salary as follows :—

(a) If the leave is due, leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect ; and

(b) If the leave is not due, leave-salary equal to half average pay.

Provided that when a non-gazetted Government servant who was in service on the 24th day of August 1927 takes leave and—

(i) his pay is less than Rs. 300, or

(ii) the leave taken does not exceed one month,

his average pay for the purpose of this rule may be taken to be the pay which he would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

[2][Provided further that the leave-salary of an inferior Government servant shall not exceed what remains from his pay after providing for the efficient discharge of the duties of the post during his absence, except when, in the resultant officiating arrangements, a Government servant who has no substantive post is given more than half the pay of the post in which he officiates, in which case the excess over half pay granted to him may at the discretion of the authority sanctioning the leave be disregarded in calculating the amount of leave-salary.]

Governor General in Council's Rule.—In Departments and Offices where a leave reserve for the inferior establishment exists, the second proviso to the Fundamental Rule 87 shall not be applicable. This rule applies to inferior servants whose leave salary is governed by F. R. 87, and not to those whose leave and leave salary is governed by the Revised Leave Rules, 1933.

[This rule has been made under rule 44 of the Civil Services (Classification, Control and Appeal) Rules and takes effect from the 2nd March 1932.]

[G. I., F. D. Notification No. F. 7(40)-R.I. 36, dated the 27th August 1936.]

Government of India's orders—

(1) For the purpose of determining the pay of a task-work messenger in a telegraph office (Departmental or Combined) when officiating in or appointed substantively to another post his substantive pay should be taken to be the average pay drawn by him during the 12 complete months

[1] [] Substituted for the word and figures " 89 and 90 " with effect from the 20th February 1939.

[2] [] This proviso was introduced, with the previous sanction of the Secretary of State, under G.I., F.D. Notification No. F. 12 (45)-R.I./31, dated the 2nd March 1933.

immediately preceding the month in which the event occurs which necessitates the calculation of the average pay. The word ' pay ' for this purpose should be taken to mean subsistence allowance *plus* task-work earnings. In calculating the 12 months' average, for the purpose of this rule, only the actual period of duty as task-work messenger falling within the period of 12 months immediately preceding the date of the officiating or substantive promotion should be taken into account.

NOTE.—For the interpretation of the expression ' the 12 complete months immediately preceding ', see Audit Instruction (1) under F. R. 9 (2).

[G. I., F. D. No. F/152/R.I./30, dated the 13th November 1930.]

(2) Menials paid from contingencies can only get leave without any allowances. These orders do not apply to the grant of hospital leave.

[G. I., F.D. No. F./161-C.S.R./27, dated the 25th May 1927 and No. F. 46-R.I./28, dated the 22nd March 1928.]

(3) With the concurrence of the Government of India, it has been decided that item (2) of ' Government of India's orders ' above applies only in the case of non-pensionable menials of the Indian Posts and Telegraphs Department paid from contingencies.

[D. G., P. & T's No. A A-12/27, dated the 10th January 1928.]

(4) For the purpose of calculation of leave salary admissible under the first proviso to Fundamental Rule 87 to Wireless Operators in receipt of wireless and proficiency allowances, the monthly rate of these allowances which are ordinarily calculated at daily rates, should be fixed at 365/12 times the daily rates.

[F. A., P. & T's Memo. No. Es.A.86/36 (1), dated the 13th August 1936.]

Government of India's decisions—

(1) The Government of India have decided that a Government servant cannot be compelled against his wishes to take leave on half average pay when leave on full average pay is admissible to him. These orders must not be interpreted as interfering with the discretion entrusted to an authority competent to grant leave to determine whether leave should or should not be granted.

[Ar. G's No. 588-A/72-23, dated the 26th April 1923.]

(2) It was not the intention that a Government servant should be permitted to manipulate different arrangements of leave to his own advantage. Fundamental Rule 87 (*a*) provides that Government servant on leave shall during leave, if the leave is due, draw leave-salary equal to average pay, or to half average pay, or to average pay during a portion of the leave and half average pay during the remainder, as he may elect. The election given by the rule is the election between the three different forms of leave-salary mentioned therein and the rule is not intended to give any choice as to the period during which average pay or half average pay can be drawn if the officer elects the third form. In that case the intention is that the period on average pay should be taken first and should be succeeded by the period on half average pay.

[G. I., F. D. No. 604-C.S.R., dated the 26th April 1924, to the Government of Bihar and Orissa.]

(3) The words "as he may elect" in F. R. 87 (*a*) imply election once for all and, therefore, debar a Government servant from claiming commutation of leave as of right. The Government of India, with the concurrence of the Auditor General have therefore decided that though under the Fundamental Rules the authority which granted leave can (if so disposed) commute it retrospectively into leave of a different kind, yet a Government servant does not possess any right to insist that it should be so commuted.

[Ar. G's No. 755-A/345-25, dated the 2nd January 1926.]

(4) If an outsider entitled to draw pay on the revised scale is appointed to officiate in place of an inferior servant drawing the old scale of pay, the old scale of pay of the post should be taken to be 'the pay of the post' for the purpose of calculating the rate of the absentee allowance under the second proviso to Fundamental Rule 87.

[G. I., F. D. Office Memo. No. F. 7 (24)-R.I./36, dated the 10th June 1936.]

(5) See Government of India's decision below S. R. 289 in Section IV of this Volume.

Audit Instructions—

(1) The allowance of 10*s.* 6*d.* a day, granted to King's Honorary Physicians and Surgeons who are Lt.-Colonels and Brevet Colonels, Indian Medical Service, is payable in full during leave under the Fundamental Rules, provided that the total emoluments during leave of such officers shall in future be subject to the maxima prescribed in Fundamental Rule 89.

[Para. 25 (i), Chap, X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Officers who are permitted to retire on proportionate pension after enjoying a period of leave not due on medical certificate should be permitted to retain the leave-salary paid to them while on leave not due and should be retired with effect from the date on which their application for permission to retire is sanctioned.

[Para. 25 (ii) Chap, X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) A Government servant who holds substantively a non-gazetted permanent post, but proceeds on leave from a gazetted post, should be regarded as a gazetted officer for the purposes of this rule.

[Para. 25 (iii), Chap, X, Sec. I of Manual of Audit Instructions (Reprint).]

(1) (i) A Government servant who was not holding substantively a permanent post on the 24th August 1927, but was holding a temporary post or officiating in a permanent post has no claim under the first proviso.

(ii) A Government servant who was in permanent Government service on or before the 24th August 1927, and was therefore entitled to the privilege under the first proviso, will retain that privilege when reappointed after resignation or discharge or reinstated after dismissal, if he is allowed to count his past service for leave under F.R. 65 (*a*) or (*b*).

(iii) A Government servant who was holding on probation, a permanent post on the 24th August 1927, and had no lien on any other post, is not entitled to the concessions admissible under the first proviso, since his leave is *absolutely* governed by F. R. 104 and not by the rules in Sec. 1 to V of Chap. X of the Fundamental Rules—*c.f.*, F. R. 58.

[Para. 25 (iv), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

(5) The term "pay" in the expression "the pay which he would draw" occurring in the first proviso should be interpreted as including "special pay", whether attached to a post or personal to a particular Government servant, since in either case the Government servant would draw it in the post which he holds substantively.

[Para. 25 (v), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(6) *Interpretation of the words "permanent post" occurring in the first proviso.*—The permanent post may be a post on which the Government servant's lien has been suspended, if he holds a lien on no other permanent post.

[Para. 25 (vi), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(7) The phrase 'at the time of taking leave' occurring in the first proviso to this rule, denotes a point in time and that point is the moment at which leave begins. If, therefore, a Government servant proceeds on leave with effect from the forenoon of a day on which an increment falls due, this increment cannot be taken into account in the calculation of his leave-salary. His increment does not begin to accrue until the previous midnight is past, and by that time he is assumed to be on leave and therefore incapable of drawing increment because he is no longer on duty.

[Para. 25 (vii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(8) *Scope of the first proviso in the case of Government servants proceeding on leave either during or at the end of foreign service.*

(*a*) For the purpose of this proviso, the status of a Government servant while on foreign service, *i.e.*, gazetted or non-gazetted, should be determined with reference to the permanent post under Government on which he holds a lien or would hold a lien had his lien not been suspended, or, if during his absence on foreign service he is given any promotion under F. R. 113, with reference to the post under Government to which he is so promoted.

(*b*) In the case of such a Government servant, the term 'his pay' occurring in item (*i*) of the proviso should be construed to mean what is prescribed under F. R. 117 (*b*) for counting his pay for the purpose of F. R. 9 (2), *i.e.*, the pay drawn in foreign service at the time leave is taken *less*, in the case of a Government servant paying his own contribution for leave salary and pension, such part of the pay as may be paid as contribution.

(*c*) The expression 'the pay which he would draw in the permanent post held substantively by him at the time of taking leave' occurring in

the proviso should, in its application to a Government servant on foreign service, be taken to mean the pay which he would draw in the permanent post under Government on which he holds a lien, or would hold a lien had his lien not been suspended, at the time of taking leave.

[Para. 25 (viii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 77, dated the 1st April 1944.]

Auditor General's decisions—

(1) A Government servant who has taken leave on average pay under the Fundamental Rules, on the first occasion after the introduction of these rules and who has exercised the option under paragraph 4 of G. I., F. D. letter No. 1079- C. S. R., dated the 26th October 1921 (*vide* Secretary of State's order below F. R. 58 in this Section) of drawing leave-salary at the rate of pay of the post on which he holds a lien, instead of his average pay without limit, may increase his leave-salary, during the first 4 months, or 6 months when the excess over 4 months is covered by the temporary war concession, of the leave, on account of an increment falling due in the scale of pay applicable to the post which he holds substantively.

[Ar. G's letter No. 191A./174-23, dated the 2nd March 1924.]

(2) An officer who takes after 1st April 1924 leave on average pay for 4 months (or more if covered by the temporary war concession) for the first time after the introduction of the Fundamental Rules and exercises the option of drawing as leave-salary the pay of the post on which he has a lien instead of his average pay without limit, may draw during such leave both the leave pay and the sterling overseas pay which he drew while holding the post.

[Ar. G's letter No. 66-A—6-25, dated the 28th January 1925.]

(3) A question was raised as to whether certain classes of non-gazetted officers to whom the grant of special pay is dependent on the definite completion of certain duties (*e.g.*, machine operators employed in Postal Audit Offices get special pay if they complete a certain number of items per day for a month) are entitled to have their leave-salary calculated on the basis of their pay and special pay. It was decided that the leave-salary of such officers must be calculated on the basis of the pay and special pay to which they are actually entitled immediately prior to proceeding on leave.

[Ar. G.'s letter No. 2409-E/112-27, dated the 23rd April 1927.]

(4) *Terms of reference*—A permanent task-work messenger having been appointed to officiate in place of an inferior servant on leave the question was raised as to what should be considered to be the pay of the permanent task-work messenger for the purpose of calculation of the sum available for the leave allowance of the absentee with reference to the second proviso to F. R. 87. In this connection the question was also raised as to what should be assumed to be the pay of an outsider appointed as task-work messenger, for the purpose of the said orders.

Decision.—It has been decided in consultation with the Government of India that the same average, as is taken in calculating the officiating

pay of a task-work messenger under item (1) of 'Government of India's orders' above, should be taken into account in determining the savings to meet the leave-salary of the inferior servant.

As regards the other point it has been held that both the subsistence allowance and the actual task-work earnings of the outsider for the month concerned should be taken into account.

[Ar. G's letter No. T. 1504-A/156-30, dated the 4th October 1930.]

(5) It is unnecessary for audit to demand a certificate (or copy of an order) of exercise of discretion by the authority sanctioning leave, in connection with disregarding the excess over half pay granted to an outsider in calculating the leave salary of an inferior Government servant as contemplated in the 2nd proviso to Fundamental Rule 87.

[Ar. G.'s letter No. 593-Admn. I/196-37, dated the 18th December 1937.]

(6) In connection with the application of the first proviso to F. R. 87, a question was raised as to whether the special pay attached to a particular post included in a cadre of a service and drawn by the incumbent of the post at the time of taking leave should be included in calculating the amount of leave salary under the proviso.

It has been decided by the Auditor General that when a Government servant belonging to a cadre is actually holding substantively a particular permanent post in the cadre at the time of taking leave, he must be considered as the substantive holder of that particular post at the time and that, he may, if he fulfils the other conditions of the first proviso to F. R. 87 draw leave salary equal to his substantive pay *plus* any special pay which he was drawing at the time of taking leave.

[Ar. G.'s letter No. T-717-A/167-38, dated the 13th July 1938, to the A. G., C. R., New Delhi.]

F.R. 88. After continuous absence from duty on leave for a period of 28 months, a Government servant will draw leave-salary equal to quarter average pay, subject to the maxima and minima prescribed in rules 89 and 90.

[1]**NOTE.—A member of the Indian Civil Service or a military commissioned officer subject to the special leave rules is entitled to leave-salary equal to subsistence grant after this period.**

Audit Instructions—

(1) The period of 28 months mentioned in this rule includes the period of vacation, if any, with which leave is combined.

[Para. 26 (i), Chap, X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) See item (9) of Audit Instructions under F.R. 81 in this Section.

(3) See item (10) of Audit Instructions under F. R. 81 in this Section.

F. R. 89. [2](1) During the first four months of any period of leave on average pay, leave-salary is subject to an absolute maximum of Rs. 4,000 per mensem, but this provision shall not apply to any Government

[1]This amended note has effect from the 28th February 1928.

[2]The Sub-rule (1) was introduced with effect from the 28th September 1927.

servant, not being a member of the Indian Civil Service who held on the 28th September 1927, a post to which a salary is attached exceeding Rs. 4,000 a month, or to the person who at that date held the Office of Auditor-General.

(2) Except during the first four months of any period of leave on average pay, leave-salary is subject to the monthly maxima shown in the following table :—

	Average.		Half Average.		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.	Outside Asia.	In Asia.
Indian Civil Service and military Commissioned Officers subject to the special leave rules.	£ 222	Rs. 2,222	£ 111	Rs. 1,111	£ ..	Rs. ..
Other Government servants subject to the special leave rules.	200	2,000	100	1,000	60	600
Government servants subject to the ordinary leave rules.	150	1,500	75	750	60	600

NOTE 1.—The maximum of average pay does not apply in the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, during a period equal to that for which he is entitled to privilege leave.

NOTE 2.—The maximum of average pay does not apply to a Government servant serving in a vacation department during a period of leave on average pay equivalent to one month for each year since his last leave during which he has not availed himself of the vacation, and to a proportionate fraction of a month during which he has taken a part only of the vacation ; provided that, in the case of a Government servant who is transfered with leave to his credit from a non-vacation to a vacation department, the local Government shall decide, on the first occasion on which he takes leave after such transfer, the period not exceeding four months for which the maximum limit of leave-salary shall not be applied to him.

Government of India's decision.—A question arose as to whether, during the leave on half average pay taken in India by a military officer in civil employ against the leave earned by him in the Military Department, his leave-salary is subject to the maximum prescribed in Fundamental Rule 89. As the leave was granted under the Fundamental Rules, the leave salary must be regulated by the rules in Chapter X of those rules. Note 2 to Fundamental Rule 90 permits the minimum leave-salary to be regulated by the Military rules. * * * It has therefore, been decided by the Government of India, in consultation with the Auditor General, that the military rate of leave-salary cannot be withheld from the officer simply because it exceeds the civil maximum.

[Ar. G's No. 390-A./122-25. dated the 15th Junh 1925.]

Audit Instructions.—

(1) Vacation should be treated as the equivalent of leave on average pay for the purpose of this rule and of the G. I., F. D. Resolution No. 1299 C.S.R., dated the 10th January 1922.

[Para 27 (1), Chap. X. Sec. I of Manual of Audit Instructions Reprint).]

(2) Note 2 to F. R. 89 (2) is not meant to give any additional advantage but is intended to be a restrictive exception to the main rule in F. R. 89 (2). A Government servant is not entitled to the concession mentioned in that note in addition to the concession granted in the main rule itself but only to the drawing of full pay for a period equivalent to one month for each year since the last leave taken during which vacation has not been enjoyed.

[Para. 27 (ii), Chap, X, Sec. 1 of Manual of Audit Instructions (Reprint) as inserted by Correction Slip No. 8 dated the 1st April 1938.]

(3) For the purpose of Note 2 to F. R. 89 (2), when vacation is combined with leave, the first four months of leave on average pay which is exempt from the application of the maximum of average pay [apart from the limit of Rs. 4,000 imposed by clause (1) of F. R. 89] should be calculated after taking into account the full period of the vacation so combined, even when the vacation does not fall within the first four months of any period of combined leave and vacation. In other words, the concession of drawing full average pay during leave combined with vacation should be restricted to such period of leave on average pay earned by detention on duty during vacation since last return from leave as is equal to the residual period, if any, which remains after deducting the period of vacation from the period of four months. If, however, the officer so elects, he may in the alternative be allowed to have the full amount of leave on average pay at his credit earned by detention on duty during vacation since his last return from leave subject to the limit of four months and to combine with it as much of vacation (on full pay) as would make up the total of four months, the rest of the vacation being *sanctioned as leave* on average pay or half average pay, as the case may be.

[Para. 27 (iii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint) as inserted by Correction slip No. 44, dated the 1st December 1939.]

(4) When a portion of the leave-salary is paid in sterling it should, for the purpose of applying the rupee limits of leave-salary prescribed in Fundamental Rules 89 and 90, be converted into rupees at the rate of 1*s.* 6*d.* to the rupee.

[Para. 28, Chap, X, Sec. I of Manual of Audit Instructions (reprint).]

F. R. 90. Subject to the condition that the leave-salary of a Government servant shall in no case exceed his average pay, leave-salary is subject to the monthly minima shown in the following table :—

	Half Average		Quarter Average.	
	Outside Asia.	In Asia.	Outside Asia.	In Asia.
	£.	Rs.	£.	Rs.
Indian Civil service and military commissioned officers subject to the special leave rules.	55½	555	..	..
Other Government servants subject to the special leave rules.	33	333	16½	166
Government servants subject to the ordinary leave rules.	25	250	12½	125

[1] **NOTE 1.—The minima specified above for Government servants other than members of the Indian Civil Service and military commissioned officers subject to the special leave rules apply only when leave is taken or extended out of India elsewhere than in [2][Ceylon, Nepal, Burma or Aden] [3][* * *].**

NOTE 2.—In the case of a military commissioned officer the minimum leave-salary during such leave as may be added under Rule 77 (c) to the leave earned by duty under these Rules, or under the European Service Leave Rules of the Civil Service Regulations in the case of an officer who was subject thereto on the 31st December 1921, shall be that prescribed by the Military Rules to which the officer was subject immediately before he came under these Rules or under the European Service Leave Rules of the Civil Service Regulations as the case may be. In the case, however, of an officer of the Royal Engineers who elects to take leave under Civil Leave Rules after completing five years' service the minimum for so much of the leave credited as has been earned by service in Civil employment shall be at the rate of £55½ out of Asia, and Rs. 555 in Asia, or the pay last drawn by him on duty whichever is less.

NOTE 3.—A military commissiond officer subject to these rules, who is granted leave on medical certificate in excess of the amount earned by him under both the civil and military rules, may be allowed the civil minimum rate of leave-salary for the period of leave taken in excess of the amount so earned.

Secretary of State's decision.—The Secretary of State in Council has had under consideration the question of the minimum rate of leave-salary to be drawn, under the provisions of Note 2 to F. R. 90 by Military Commissioned officers during leave added under F.R. 77(c) to leave earned by duty under the Fundamental Rules and he has decided that the 'rate prescribed by the Military Rules' referred to in Note 2 to F. R. 90 shall be the old rates of furlough pay and not the new rates recently introduced for the first eight months of furlough out of India.

(This interpretation should be applied with effect from 1st March 1929.)

[G.I., F.D., No. F/134-R. I/29, dated the 1st November 1929 and No. F. 12 (3)-R. I/31, dated the 22nd January 1931.]

Audit Instructions—

(1) See item (4) of the Audit instructions below Fundamental Rule 89 in this Section.

(2) The words "average pay" used in Fundamental Rule 90 should be interpreted in terms of Fundamental Rule 9(2) and not be taken as the pay which a non-gazetted Government servant would draw in the permanent post held substantively by him at the time of taking leave if this pay be more than the average pay.

[Para. 29, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—A military commissioned officer in civil employ subject to the Fundamental Rules can set off the leave he takes either against the amount of leave earned under the Civil rules or against that under the Military leave rules as he pleases with the exception that any period of privilege leave at the credit of the officer under

[1] This amended note has effect from the 28th February 1928.

[2] [] Substituted for the words "Ceylon or Nepal" with effect from the 1st February 1938. The words "Ceylon or Nepal" were substituted for the word "Ceylon" with effect from the 21st July 1931.

[3] [] Omitted with effect from the 21st July 1931.

Rule 77(c) out of the first 4 months' leave on average pay taken after the officer comes under the Fundamental Rules, will always go against the amount of leave earned under the civil rules.

[Ar. G's U.O.I. No. T-20-Admn.-44-23, dated the 7th May 1923].

[1]**F. R. 91.** (1) That portion of leave-salary which represents overseas pay drawn in sterling shall be paid in all cases in sterling [2][and unless the Government servant exercises his option under sub-rule (4) of drawing it in a Dominion or Colony along with the balance of his leave-salary, the payment shall be made by the High Commissioner for India in London.]

(2) Subject to the provisions of sub-rule (1) leave salary shall be drawn in rupees if due in respect of leave spent in Asia, and in sterling if due in respect of leave spent out of Asia :

Provided that—

[3](a) in the case of leave on average pay not exceeding four months, or of the first four months of such leave if it exceeds four months, leave salary due in respect of an initial period of such leave spent in Asia may, if the Officer proceeds out of Asia during the currency of such leave, or within one month of its termination, be drawn in sterling and leave salary due in respect of an initial period of such leave spent out of Asia may be drawn in rupees.

(b) in the case of leave of any other description, or of periods of leave on average pay after the first four months of such leave, if the amount of such leave spent in Asia prior to embarkation does not in all exceed one month, leave-salary in respect of the whole of such leave may be drawn in sterling.

[4](c) in the case of an attachment order having been issued by a court in India in accordance with Rule 48, Order XXI, First Schedule, Code of Civil Procedure, 1908 (Act V of 1908), that part of leave salary which is attached shall be remitted to the court in rupees by the accounts authority in India notwithstanding that the leave salary is due in respect of leave spent out of Asia. The balance of such leave salary shall be drawn in sterling in accordance with the Rules in this Section, except that the maximum and minimum rates of leave salary prescribed in Rules 89 and 90 shall be reduced by the amount specified in the attachment order, converted into sterling at the rate of exchange prescribed by the Secretary of State under sub-rule (5) of this Rule.

[5]**NOTE.—For the purpose of this rule Cyprus shall be regarded as outside Asia.**

[1]This revised rule was introduced with effect from the 17th March 1925.
[2][] Inserted with effect from the 19th February 1935.
[3]This revised clause has effect from the 13th August 1935.
[4]This new clause has effect from the 20th February 1939.
[5]This note was inserted with effect from the 13th July 1937.

[1](3) Leave salary drawn in rupees shall be drawn in India, or in the case of a Government servant who spends his leave in Ceylon, Burma or Aden, as the case may be.

[2](4) Leave-salary drawn in sterling shall be drawn in London or, at the Government servant's option, in any British Dominion or Colony which the Secretary of State in Council may by order prescribe for the purpose, provided that the officer spends his leave in the Dominion or Colony in which he has elected to draw his leave-salary, but if leave-salary due in respect of any portion of leave out of Asia and payable to the Government servant in sterling remains undrawn for no fault on his part, the Governor General in Council may authorise the undrawn amount to be paid in India at such rate of exchange as the Secretary of State in Council may by order prescribe.

[*For a list of British Dominions and Colonies in which leave-salary may be drawn in sterling, see Appendix 9A in Volume II of this Compilation.*]

(5) Leave-salary shall be converted into sterling at such rate of exchange as the Secretary of State in Council may by order prescribe.

[3](6) Any leave salary drawn outside India shall be subject to deduction of Indian income-tax and super-tax at the rate which woud have been applicable if that leave salary had been drawn in India.

Secretary of State's orders.—Vide item (5) of " Secretary of State orders " under F. R. 51 in this Section.

Government of India's Orders.—The amount of compensatory allowances to be drawn during leave can seldom be settled at the beginning of leave as it depends largely not on anticipated expenditure but on proved expenditure. It would, therefore, be generally impossible to include in the original leave salary certificate the exact amount of allowances to be drawn during leave. For these reasons, it has been decided that compensatory allowances during the first four months of leave should not be paid at the Home Treasury except in cases in which such allowances are from the start included in the calculation of average pay. An officer who wishes to draw his compensatory allowances before he returns from leave in England, may leave signed blank bills endorsed to his banker, to be presented in due course and passed for payment into his account.

(*Vide* Audit Instruction under S. R. 6 *et. seq.*)

[Ar. G's letter No. 77-A/240-30, dated the 13th March 1931.]

Government of India's decisions.—

(1) It has been decided that for the purposes of the application of F.R. 91 the period of voyage to or from India is to be treated as leave out of Asia during which leave salary is payable in sterling. These

[1]This revised clause has effect from the 8th October 1937.

[2]This amended sub-rule has effect from the 21st December 1926.

[3]This new clause has effect from the 1st April 1939.

orders apply to all direct (*i.e.*, unbroken) voyages between India and a port outside Asia irrespective of the route followed and the time spent in Asia on the voyage including stoppages incidental thereto (*e.g.*, for the purpose of transhipment). But these orders are not to be applied to make the leave-salary payable in sterling when the voyage is broken in Asia at the volition of the officer or when he spends a portion of his leave in Asia before proceeding to another continent or resuming his duties in India.

[G.I., F.D., letter No. F. 7(28)-R. I/35, dated the 25th June 1935.]

(2) It has been decided that since in the case of an officer placed on deputation in interruption of leave out of India, leave is treated as one spell of leave, the leave before and after the deputation should be treated as 'initial period' for the purposes of proviso (*a*) to Fundamental Rule 91(2) and the Government servant allowed to draw, if he so desires, leave-salary in India for the portion of leave immediately following the deputation. As deputation is duty for all purposes it should not be taken into account in calculating the maximum period of 4 months prescribed in Fundamental Rule 91.

[G.I., F.D., Endorsement No. F. 7(20)-R. I/39, dated the 19th April 1939.]

(3) Pensions covered by Section 272 of the Government of India Act, 1935, should not be taken into account in fixing the rate of tax under Section 17(1) of the Indian Income Tax Act, pending a reference to the High Court in a suitable case. In the case of non-residents, the total world income should not be taken into account in determining the rate at which tax should be deducted at source in the United Kingdom or Colonies from leave salary paid out of Indian revenues. It follows, therefore, that pensions covered by Section 272 of the Government of India Act, should not be taken into account for the purpose of ascertaining the rate at which Indian Income Tax is to be deducted at source from the leave salary payable in the United Kingdom or the Colonies to non-residents.

[G.I., F.D., (C.R.), endorsement R. Dis. No. 35(3)-I.T./42, dated the 8th October 1942].

(4) *See* Secretary of State's decision below Fundamental Rule 91 in Section II.

Audit Instructions—

(1) Vacation should be treated as equivalent of leave on average pay for the purpose of proviso (*a*) to F. R. 91 (2).

[Para. 30(i), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) If leave salary due in respect of any portion of leave out of Asia and payable to a Government servant in sterling remains undrawn through the late arrival of a steamer, it may be held to be non-drawal through no fault of the Government servant concerned and drawal in India may be permitted as a matter of course.

[Para. 30(ii), Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

(3) Under F. R. 91 (2)(*b*) read with F. R. 92, a Government servant who spends not more than one month of his leave in Asia prior to embarkation to spend the balance elsewhere is entitled to draw leave salary in respect of the entire period of his leave at the privileged rates and subject to the sterling minima prescribed in F. R. 90.

[Para. 31, Chap. X, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decision.—

Terms of reference.—Mr. E., Lecturer in a College prefixed vacation from the 16th December 1934 to 28th February 1935 to leave on average pay *ex*-India from the 1st March 1935 to 31st May 1935. He sailed from Bombay on the 22nd December 1934. A question arose whether payment of the vacation pay for the period from the 16th December 1934 to 21st December 1934 actually spent in India could have been made in sterling in London or in a Colony.

Decision.—The Auditor General, with the concurrence of the Government of India, decided that according to the Audit Instruction No. (1) under this rule, vacation is treated as leave on average pay for purposes of F. R. 91 (2) proviso (*a*). As the rules stand, therefore, since the officer went out of India within 4 months from the commencement of the vacation he can exercise the option of drawing his pay for vacation in sterling for the period spent in India. Note 1 to paragraph 14 of Appendix 8 in Volume II) which states that when vacation is combined or not combined with leave and *actually spent out of India*, the Government servant may be authorised to draw his pay for vacation at the Home Treasury or in a colony, is not therefore applicable to the case under reference in which the vacation is *spent in India*.

[Ar. G's letter No. T-1318-A/208-35, dated the 30th September 1935.]

[1]**F. R. 92. The rupee and sterling maxima and minima prescribed in Rules 89 and 90 shall be applied to leave salaries paid respectively in rupees and in sterling.**

Audit Instruction.—See item (3) of the Audit Instructions below Fundamental Rule 91 in this section.

F. R. 93. A compensatory allowance should ordinarily be drawn only by a Government servant actually on duty, but a local Government may make rules specifying the conditions under which a Government servant on leave [2] [* * *] may continue to draw a [compensatory allowance, or a portion thereof, in addition to leave-salary [2][* * *]. One of these conditions should be that the whole or a considerable part of the expense to meet which the allowance was given continues during leave.

[*For rules framed by the Governor General in Council under Fundamental Rule 93, in his capacity as a local Government, see Supplementary Rules 5—8.*]

Government of India's ruling.—The Government of India have ruled with the approval of the Secretary of State for India that any Government servant who was on 1st January 1922 in receipt of one of the

[1] This revised rule was introduced with effect from the 17th March 1925

[2] Deleted with effect from the 11th March 1931.

allowances named in notes 1 and 2 under Art. 268, Civil Service Regulations, or who was on that date on leave or deputation from a post or cadre in which he would have drawn such an allowance, shall when drawing the allowances in future, be eligible for the first four months of any period of leave on average pay for the concessions given by these notes even if the allowance is classed as compensatory in future.

The intention is that the allowances if drawn should in such cases be included in average pay when calculating leave-salary for such period of four months.

[G.I., F.D., No. 350-E.B., dated the 1st May, 1922, to all Local Governments.]

Auditor General's decision.—The Government of India, Finance Department, letter No. 350-E.B., dated the 1st May 1922 [*Vide* Government of India's Ruling reproduced above] is intended merely to continue a concession which was admissible under notes 1 and 2 to Article 268, Civil Service Regulations, and not to grant any new concession not admissible under the old rules. Under note 1 to Article 268, Civil Service Regulations, Burma Allowance could be drawn subject to the condition that the grant of leave does not necessitate the transfer within the limits of the province of an officer from outside the province.

[Ar. G's No. 2905-E/K.W./8-22, dated the 27th June 1925.]

Section VI.—*EXCEPTIONS AND SPECIAL CONCESSIONS.*

[1]F. R. 93A. Except as provided by rules 61 and 64 a Government servant transferred to a Service or post to which the rules in Sections I to V of this chapter apply, from a Service or Post to which they do not apply, remains under the leave rules to which he was subject prior to his transfer ; provided that it shall be open to him at the time of the transfer or any time thereafter to exercise the option of coming under the rules in Sections I to V of this Chapter. Subject to the condition that all leave at his credit on the date on which he comes under these rules shall lapse. The intention of exercising this option must be specifically declared to the local Government or the Governor General in Council, as the case may be, and the date of such declaration shall be the date of coming under these rules, the option once exercised is final.

Government of India's decisions.—

(1) (The extent and effect of the application of Fundmental Rules 7 and 93-A had recently to be considered in the case of an officer who was governed by the Fundamental Rules of a Provincial Government and who was transferred prior to the 13th of April 1938, the date on which Fundamental Rule 93-A was issued, to a service under the rule-making control of the Secretary of State, and who on being informed by his accounts officer that it was open to him to elect to the leave rules in Sections I to V of Chapter X of the Secretary of State's Fundamental Rules did so and was thereby held to have lost under Fundamental

[1]This rule has effect from the 13th April 1938.

Rule 93-A all leave he had at credit on the date of his transfer, notwithstanding the fact that the two sets of rules were identical. It has been decided, with the concurrence of the Secretary of State, that Fundamental Rule 93-A should not be given retrospective effect, and that it applies only to those persons who are transferred from one service to another, as contemplated in that rule, on or after the 13th of April 1938.

2. All Accounts Officers should, when asking any such officer to elect under Fundamental Rule 93-A, draw his attention to the fact that where the leave rules to which he was subject before his promotion, are identical with those in the Fundamental Rules, he gains no advantage by electing the latter.

3. As regards officers so transferred prior to the 13th of April 1938, they become compulsorily and automatically subject to the Secretary of State's Leave Rules under Fundamental Rule 58. In their case the question arises whether the unspent balance of leave earned by them under the rules formerly applicable to them should lapse as a result of their coming under the Secretary of State's Rules. As the rules stand, the only provision in the Fundamental Rules, which enables an officer to carry forward the unspent balance of leave earned under rules other than the Fundamental Rules, is Fundamental Rule 77. This rule permits leave earned under the Civil Service Regulations and the Military leave Rules to be carried forward, but it does not contemplate cases in which the leave rules applicable to an officer before his transfer are identical with those in the Fundamental Rules which became applicable to him after the transfer. The change of leave rules in such cases is purely nominal and the intention was that the balance of leave standing to the credit of the officer on the date of his transfer should be allowed to stand although the intention was not strictly covered by the provisions of the Rules (Fundamental Rule 77).

4. These decisions will similarly apply also to cases of transfer from a Provincial service to a service under the rule making control of the Governor General in Council.

[G.I., F.D., endorsement No. F.-7(3)-R. I/40, dated the 22nd February 1940].

(2) The staff employed on "Agency" work may be divided into the following categories :—

(*a*) Personnel recruited for and employed in Agency Departments whose pay, leave salary, allowances and pensions are charged direct to the Central Government, *i.e.*, personnel who are paid direct by the Central Government, but who are technically under the administrative control of Provincial Governments.

(*b*) Personnel recruited and employed in connection with the affairs of the Provinces whose pay, leave salary, allowances and pensions are charged to Provincial revenues, but whom the Provincial Governments employ temporarily on agency work. For their services the Central Government pays the Provincial Governments an agreed sum and the entire pensionary charges are borne by the latter.

(*c*) Personnel as in category (*b*) above whose services are employed by the Provincial Governments, part time or casually, on performing Central Agency duties. For their services the Central Government usually pays an agreed sum to the Provincial Governments which includes pensionary liability.

(*d*) Personnel falling in either of the three categories given above who have now come under the direct control of the Central Government on resumption by them of the administrative control over certain agency functions.

The Government of India have decided that, as in the case of pension, officers recruited on or after the 1st April 1937 for employment in agency Departments, who belong to category (*a*) in the preceding paragraph should be governed by the leave rules of the Central Government. However, in the case of such officers who are, on the date of issue of the present orders, governed by the leave rules of the Provincial Governments concerned, it has been decided to allow them an option of remaining under the Provincial Government's leave rules or of coming under the Central Government's leave rules on the principles and conditions laid down in Fundamental Rule 93-A and in the Finance Department's letter No. F.-7(76)-R. I/40, dated the 23rd November 1940 [item (3) of the Government of India's decisions below the Annexure to Appendix 7-A to Volume II of this Compilation, as inserted by correction slip No. 281, dated the 28th December 1940].

The Government of India have also decided that officers in categories (*b*) and (*c*) in para. 1 above (irrespective of dates of recruitment) should remain under the Provincial Government's leave rules and that those in category (*d*) should be given an option of remaining under the Provincial Government's leave rules or of coming under the Central Government's leave rules on the principles and conditions laid down in F. R. 93-A and Finance Department's letter of the 23rd November 1940, referred to in the preceding paragraph.

[G.I., F.D., Endorsement No. F.-7(62)-R. I/43, dated the 6th January 1944.]

Auditor General's decision.—It has been decided with the concurrence of the Government of India that the case of a Government servant transferred permanently to a service or post to which the rules in Sections I to V of Chapter X of Fundamental Rules apply, from a service or post to which the leave rules in Civil Service Regulations apply, does not fall under F. R. 93-A, but under F. Rs. 77 and 78 direct, and that the question of exercising the option provided by F. R. 93-A does not therefore arise in such a case.

[Auditor General's Endorsement No. 35-A/83-43, dated the 22nd January 1944.]

F. R. 94. The rules in sections I to V are not applicable to the following Government servants whose leave is governed by the Act or by rule made under other sections of the Act :—

[1](a) **Governors and Lieutenant Governors, Members of the Executive Council of the Governor General, or of a Governor**

[1]This revised clause was introduced with effect from the 28th September 1927.

or Lieutenant Governor during their tenure of office as such.

(b) The Chief Justices and other Judges of the several High Courts.

(c) The Bishops of Calcutta, Madras and Bombay.

(d) The Auditor General in India.

Audit Instructions—See Audit Instruction below Fundamental Rule 94 in Section II of this Volume.

F. R. 94A. The rules in sections I to V are not applicable to the Presidents of Legislative bodies, whose leave is governed by orders issued in this behalf by the Secretary of State in Council.

[1]**F. R. 94B.** Except as provided by Rule 61, the Rules in Sections I to V are not applicable to Government servants paid from Military Estimates who are temporarily transferred to service paid from Civil Estimates (including service in a tenure post). Such Government servants remain subject to the Rules which applied to them before their transfer.

F. R. 95. Subject to any exceptions and modifications which the Secretary of State in Council may by rule prescribe, the special leave rules in sections I to V of this chapter apply to Chaplains of the Church of England and Church of Scotland on the Bengal, Madras and Bombay Ecclesiastical Establishments, including the Bishops of Lahore, Rangoon, Lucknow and Nagpur.

F. R. 96. The only form of leave which may be granted to a Lieutenant-Governor, whether substantive or officiating, is leave on medical certificate for not more than six months. On resuming his duties after such leave, he may receive leave-salary equal to half his pay for the period of absence. If he does not resume his duties, he may draw the leave salary to which he would have been entitled under rule 97 had he vacated his post before taking leave.

[2]**F. R. 97.** (1) When a Government servant, who has held the office of Governor, Lieutenant Governor, or member of the Executive Council of the Governor General, or of a Governor or Lieuenant Governor, takes leave after vacating such office, there shall be credited in his leave account a period equivalent to the leave which would have been earned under the rules in sections I to V, if the duty rendered as Governor, Lieutenant Governor, or member had been rendered, in one of the posts to which these rules apply ; and any leave which he has taken during his tenure of office shall be debited to his leave account in the same way as if he had taken leave on half average pay under these rules. His leave-salary will be subject to the maxima laid down in Rule 89.

[3](2) When a Government servant holding substantively any of the offices referred to in sub-rule (1) of this Rule or the post of Chief Engineer

[1]This new rule was introduced with effect from the 1st May 1928.

[2]This revised rule was introduced with effect from the 28th September 1927.

[3]This revised sub-rule has effect from the 29th May 1934.

of the Public Works Department takes leave immediately on vacating his office or post, he shall during the leave be left without a lien on any permanent post.

F. R. 98. The following provisions apply to such holders of the posts enumerated below as are not members of the Indian Civil Service [1][subject to the special leave rules under Rule 75]:—

(1) Judges of a Chief Court.

(2) Chief Judges of Small Cause Courts of Presidency towns and of Rangoon.

(3) The Secretary to the Government of India in the Legislative Department.

(4) A Judicial Commissioner or Additional Judicial Commissioner of the Central Provinces.

(5) The Administrator-General, and Official Trustee in Bengal Madras or Bombay.

(6) The Administrator-General, Official Trustee, Official Assignee and Official Receiver in Burma.

(7) An Additional Judicial Commissioner of Sind or of the North-West Frontier Province.

Such Government servants are entitled to leave on the terms which apply to Judges of High Courts by rules made under Section 104 of the Act, subject, however, to the following modifications, namely :—

(a) their leave-salary shall not exceed, while on ordinary furlough or on subsidiary leave, half average pay, and while on furlough on full allowance, average pay ; and

(b) the holders of posts which have not been declared by the Local Government under Rule 82 (a) to belong to a vacation department are entitled in lieu of the leave credited to the furlough account of a High Court Judge under the Rules made under Section 104 because of his having been detained on duty as a Vacation Judge, to a credit in their leave account of a period equal to [2][two-eleven'hs] of the period of actual service performed.

Audit Instruction.—See Audit Instruction below Fundamental Rule 98 in Section II of this Volume.

F. R. 99. The following law officers are entitled to leave under the rules applicable to members of the Indian Civil Service, provided that their pay as Government servants is fixed at a definite rate and that their whole time is retained for the service of Government :—

An Advocate General.

A Standing Counsel.

An Official Trustee or Assignee.

[1][] The qualifying clause—subject to the special leave rules under Rule 75—was introduced with effect from the 23rd November 1926.

[2][] Substituted for the words "one-eleventh" with effect from the 22nd October 1935.

A Receiver of a High Court.

An officer of a High Court holding a post which by law can be held by a barrister only.

A Secretary or Assistant Secretary in the Legislative Department of a local Government.

A Remembrancer, Deputy Remembrancer or Assistant Remembrancer of Legal Affairs.

A Government Advocate or Assistant Government Advocate.

A Clerk of the Crown.

A Government Solicitor.

F. R. 100. The following provisions apply to military officers in civil employ who remain subject to military leave rules (other than military officers serving with such Frontier Irregular Corps as may be specified in this behalf by the Governor General in Council) [1][and to non-commissioned officers in civil employ] :—

(a) A Local Government may grant to such an officer leave of the following kinds :—

[2](i) Leave on average pay for four months at a time, not exceeding, in all, the privilege leave which it would be permissible to grant to him under the rules applicable to his case on the date on which he became subject to this Rule, *plus* 1/11th of the duty performed by him from the beginning of the calendar year following that in which he became subject to this Rule :

Provided that, if privilege leave under military rules is not admissible in respect of the calendar year of transfer because the officer has not actually performed duty in the Military Department during that year, duty counting for leave on average pay shall commence on the date on which he becomes subject to this Rule :

Provided further that, in the case of an officer who became subject to this Rule before the 4th of December 1928 and who took privilege leave under military rules ending during the first six months of the calendar year in which he became subject to this Rule, duty counting for leave on average pay shall begin from a date six months after the end of such privilege leave but so that in no case shall duty performed before the date on which he became subject to this Rule count :

Provided further that in the case of an officer serving in a vacation department the provisions of Rule 82 shall apply, *mutatis*

[1]]The words—and to non-commissioned officers in civil employ—were introduced with effect from the 1st December 1925.

[2]This revised sub-clause has effect from the 4th December 1928.

mutandis to the calculation and grant of leave under sub-clause (i) above :

[1]Provided further that an officer holding substantively a tenure post who is temporarily reverted to military duty, shall be treated as if he had remained subject to this Rule throughout the period of his absence from his civil post, any privilege leave taken under military Leave Rules during that period being treated as leave on average pay taken under this Rule.

(ii) any leave, other than privilege leave, admissible under military rules either alone or in combination with leave on average pay.

Note.—In the case of a Government servant who is entitled, under orders previously in force, to privilege leave for more than four months, the number of months to be taken at one time as prescribed in sub-clause (i) above may be increased, on the first occasion when leave is taken under these rules, by the number of months by which the amount of privilege leave due exceeds four months.

(b) The total period of leave should be regulated by the limits in force under the military rules to which the officer is subject.

(c) Leave may be retrospectively commuted by the authority which granted it into any other kind of leave which was admissible to the officer concerned at the time when it was granted :

Provided that, except in the case of an officer holding substantively a [2][tenure post], no leave under sub-clause (ii) of clause (a) of this rule may be granted to an officer unless the local Government is prepared to re-employ him immediately upon the termination of the leave :

Provided also that in the case of an officer holding substantively a [2][tenure post], leave under sub-clause (i) of clause (a) may be granted so as to extend beyond the expiry of such term if the leave has been applied for in sufficient time before the expiry of the fixed term and refused owing to the exigencies of the public service.

Government of India's decisions—

(1) The Government of India have had under consideration the question whether military officers with special war leave at their credit under Army Instruction, India, No. 106 of 1920, who are appointed substantively to the civil department, should be permitted to carry forward such leave when they enter civil employment. They have decided that such leave may, on their coming under the provisions of the Fundamental Rules, be credited to their leave account on condition that it is taken before 31st December 1922. Officers who have taken leave after 1st January 1921 may substitute for portion of it any special war leave which may become admissible to them as the result of these orders

[1]This new proviso has effect from the 3rd April 1939.

[2][] The words "tenure post" were substituted for the words "permanent post for a fixed term" with effect from the 18th March 1930.

The Government of India have further decided with reference to Fundamental Rule 100 that military officers in civil employ who remain subject to military leave rules and who have earned privilege leave in excess of 4 months as a temporary war concession may be granted the concession strictly in accordance with the terms of Army Instruction, India, No. 106 of 1920.

[G.I., F. D., letter No. 1174-C.S.R., dated the 16th October 1922.]

(2) Leave on average pay extending beyond the term of civil appointment is not admissible to military officers holding civil appointments of limited tenure even though the military authorities may agree to the grant of leave.

[G.I., F. D., letter No. F-314-C.S.R.—26, dated the 11th October 1926.]

(3) F. R. 100 as amended by Government of India, Finance Department Notification No. F/136-I-R-I/28, dated the 8th January 1929, i. e., the sub-clause (i) of clause (a), should regulate the leave taken on or after the 4th December 1928 by all military officers subject to this rule, irrespective of the date of their transfer to the Civil Department. The words 'An Officer's claim to leave is regulated by the rules in force at the time the leave is granted' occurring in sub-paragraph 2 of Article 4 of the Civil Service Regulations, refer to the officer's 'claim to leave', which includes the earning of leave, the method of calculation, the admissibility of the leave and its grant. The leave account must be revised as soon as a rule regulating the method of calculation is amended, and subsequent leave granted according to the amended leave account.

[Ar. G's letter No. T. 253-A/70-29, dated the 7th May 1929.]

(4) *See* Government of India's decision below Fundamental Rule 100 in Section II.

Audit Instructions—

(1) In reckoning service for the purpose of calculating leave to military officers in temporary civil employ, a period of six months should be excluded after the expiry of the privilege leave mentioned in Fundamental Rule 100 (*a*) (*i*) whether this is taken by itself or combined with other leave.

[Para. 34 (i), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

(2) In the case of a military officer to whom privilege leave was granted under the military rules in respect of a particular official year, instead of a calendar year, service for leave under the civil rules should reckon from the first day of the next official year.

[Para. 34 (ii), Chap X, Sec. I of Manual of Audit Instructions (Reprint).]

[1]F.R. 100-A. Unless the Secretary of State in Council in any case otherwise directs, the following provisions apply to Government servants placed on deputation out of India under conditions, declared by the Governor

[1]This new rule was introduced with effect from the 20th October 1926.

General in Council to be quasi-European, if the period of the deputation exceeds one year :—

(a) The period of deputation shall not count as duty for the purposes of this Chapter.

[1](b) The amount of leave which can be earned by the deputation shall be determined by the Secretary of State in Council. Such leave can only be taken during the period of deputation and will not be credited or debited in the Government servant's leave account.

(c) Leave salary during such leave shall be equal to the rate of deputation pay.

Provided that where a deputation originally sanctioned for one year or less is subsequently extended so that the total period exceeds one year these provisions shall apply in respect of the period in excess of one year.

F. R. 100-B. *Deleted.* [By G. I., F. D., Notification No. F. 7 (81-b) R. I./39, dated the 27th March 1941.]

F. R. 101. A local Government may make rules regulating the grant to Government servants under its control of—

(a) maternity leave to female Government servants ; and

(b) leave on account of ill-health to members of subordinate services specified in such rules whose duties expose them to special risk of accident or illness.

Such leave is not debited against the leave account.

[*For rules made by the Governor General in Council under Fundamental Rule 101 in his capacity as a Local Government, see Supplementary Rules 267 to 273.*]

F. R. 102. A local Government may make rules regulating the grant of leave on account of ill-health to officers and seamen of Government vessles. Such leave is not debited against the leave account.

[*For rules made by the Governor General in Council under Fundamental Rule 102 in his capacity as a local Government, see Supplementary Rules 274 and 275.*]

F. R. 103. A local Government may make rules regulating the leave which may be earned by—

(a) temporary and officiating service ;

(b) service which is not continuous ; and

(c) part-time service, or service which is remunerated wholly or partially by the payment of [2][honoraria] or daily wages;

provided that such rules shall not grant more favourable terms than would be admissible if the service were substantive, permanent and continuous.

[1]This revised clause has effect from the 24th May 1927.

[2][] Substituted for the word " fees " with effect from the 9th December 1930.

[*For model terms regulating the grant of leave to Government officials engaged on contract as finally approved by the Secretary of State in Council, see Appendix 10 in Volume II of this Compilation.*]

[*For rules made by the Governor General in Council under Fundamental Rule 103 in his capacity as a local Government, see Supplementary Rules 284 to 290.*]

Government of India's orders.—The Governor General in Council has decided that Fundamental Rule 103 enables him to make rules determining the extent to which, and the conditions under which, uninterrupted temporary service in the Military Department followed by confirmation in the Civil Department may count for leave under the Fundamental Rules, and that Supplementary Rule 286 may be regarded as a rule framed under Fundamental Rule 103.

[Ar. G's letter No. 161-A/10-28, dated the 24th May 1928.]

F. R. 104. During their period of probation or apprenticeship, probationers and apprentices are entitled to leave as follows :—

(a) If appointed under contract in the United Kingdom with a view to permanent service in India, or if appointed in the United Kingdom to posts created temporarily with the prospect, more or less definite, of becoming permanent :—

(i) to such leave as is prescribed in their contracts, or, when no such prescription is made,

(ii) (1) when the period of probation is not less than three years, to the same leave which would be admissible if they held permanent posts ; or

(2) when the period of probation is less than three years to leave on average pay up to one-eleventh of the period spent on duty, to which may be added, on medical certificate, leave on half average pay ; provided that the total leave granted under this clause shall not exceed three months reckoned in terms of leave on average pay ; and

(b) if appointed otherwise, to such leave as is admissible under rules framed on this behalf by the local Government, subject to the proviso in rule 103.

[*For rules made by the Governor General in Council under Fundamental Rule 104 (b) in his capacity as a local Government, see Supplementary Rules 291 and 292.*]

[*For Administrative Instructions issued by the Governor General in Council regarding* "**Grant of Leave to Probationers and Apprentices**" *see Part V (1) of Appendix 3 in Volume II of this Compilation.*]

Government of India's decision.—The Government of India have decided that 'Students' under training in the Indian Service of Engineers are not Government servants within the meaning of the Civil Services

Classification, Control and Appeal) Rules, but private persons receiving stipends from Government. Accordingly the service they perform and the subsistence allowance they draw as students prior to appointment as Assistant Executive Engineers should be excluded from the calculation of leave due and leave-salary payable in respect of their service as Assistant Executive Engineers.

As regards the question of leave during the period of training as student it is for the local Government to decide what leave should be allowed during the period in question and what portion of the subsistence allowance should be paid during such leave.

[G. I., F. D., endorsement No. F 12 (26)R.I./32, dated the 18th May 1932.]

Chapter XI.—Joining time.

F. R. 105. Joining time may be granted to a Government servant to enable him—

(a) to join a new post to which he is appointed while on duty in his old post ; or

(b) to join a new post,—

(i) on return from leave on average pay of not more than four months' duration or

(ii) when he has not had sufficient notice of his appointment to the new post, on return from leave other than that specified in sub-clause (i) ; or

(c) to travel from the port of debarkation [1][or, in the case of arrival by aircraft, from its first regular port in India] and organize his domestic establishments when he returns from leave out of India of more than four months' duration ; or

[2](d) (i) to proceed from a specified station to join a post in a place in a remote locality which is not easy of access :

(ii) to proceed on relinquishing charge of a post in a place in a remote locality which is not easy of access to a specified station

[3] Provided that joining time shall not be allowed for the purposes specified in paragraph (c) or paragraph (d) to any person to whom Rule 98 applies.

Government of India's decisions—

(1) Under the existing system, a General Service Telegraphist selected for training in Wireless Telegraphy, is first sent to Calcutta for a preliminary training of 3 months and is then required to undergo a practical course of training for another 3 months at any of the Wireless stations. On the successful completion of his course, he is permanently transferred for employment to the Wireless Branch. It has been decided by the Government of India that the telegraphist may be granted joining time at his old station calculated on the journey to Calcutta and not at the place of his training from which he is finally posted to a wireless station.

[Ar. G's No. 1274-A/487-23, dated the 24th December 1923.]

(2) A question was raised whether a Provincial Government servant who is appointed to a post under the Central Government while on duty in his old post but who joins his new post after termination of his employment under the Provincial Government by resignation or otherwise should be granted joining time, or joining time pay. To ensure uniformity of treatment, in such cases no joining time, or joining time pay

[1] [*] Inserted with effect from the 10th November 1931.

[2] This revised clause has effect from the 29th January 1936.

[3] The proviso takes effect from the 9th March 1926 *vide* F. D. correction No. 21, dated the 22nd April 1926.

should be granted except when the employment of a particular Government servant is in the wider public interest. No travelling allowance either will be admissible in such cases.

[G.I., F.D., letter No. F.5(3)-R.I/40, dated the 16th January 1940.]

(3) The period of joining time admissible to a Government servant who proceeds on leave on average pay not exceeding 4 months from his old post and who is posted to a new post in another station where he is spending the leave should be calculated under Supplementary Rule 293.

[G.I., F.D., letter No. F3(2)-R.I/41, dated the 10th March 1941, copy received with the A.G., C.R's letter No. GC-54/50/6402, dated the 28th March 1941.]

(4) It has been decided that joining time and joining time pay should be granted as follows to Government servants appointed to posts under the Central Government on the results of a competitive examination which is open to both Government servants and others :—

(*a*) joining time should ordinarily be permitted for all Government servants serving under the Central Government and for Provincial Government servants who hold permanent posts in a substantive capacity and that,

(*b*) no joining time pay should be granted except,

(*i*) when the Government servant holds a permanent post under Government (including a Provincial Government) in a substantive capacity, or

(*ii*) in the case of appointments through the Home Department to the ministerial establishment of the Government of India Secretariat and attached or subordinate offices when a candidate originally nominated to a vacancy likely to become permanent is renominated to another such vacancy owing to the cessation of the former.

Travelling allowance under Supplementary Rule 114, should also be granted in cases where joining time pay is granted under clause (*b*) above.

This also applies to a Government servant selected after an interview for appointment to a post under Central Government.

[G.I., F D., endorsements No. F.3(4)-R. II/44, dated the 27th May 1944 and No. F.3(4)-R. I/44, dated the 17th July 1945.]

Audit Instructions—

(1) The joining time and travelling allowance of Military Officers in civil employ are governed by the civil rules in virtue of the provisions of paragraph 593 of the Regulations for the Army in India and paragraphs 2(*iii*) and 14 of the Defence Services Regulations, India—Passage Regulations, respectively read with F.R. 3. These rules admit of the grant of joining time and travelling allowance to Military Officers in civil employ not only on the occasions of their transfer to the civil employ and retransfer to military employ but also when they are actually serving in

civil employ. For the purposes of these rules, privilege leave under the military leave rules should be treated as leave on average pay of not more than four months' duration.

[Para. 1, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 66, dated the 1st April 1942.]

(2) The time reasonably required for the journeys between the place of training and the stations to which a Government servant is posted immediately before and after the period of training should be treated as part of that period. This ruling is not intended to apply to probationers holding "training posts", which they may be considered as taking with them on transfer. Such probationers are entitled to joining time when transferred.

[Para. 1-A, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The intention of sub-clause (*i*) of Fundamental Rule 105(*b*) is that joining time should be allowed to those Government servants who are granted privilege leave or leave on average pay for not more than four months, or those who are granted privilege leave up to a maximum of six months under the special war concession, and who are transferred to a new station on the termination of such leave.

[Para. 2, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(4) In the case of a Government servant who is appointed while on leave (whether spent in India or out of India) on average pay of not more than four months' duration to a post other than that from which he took leave the full joining time calculated under Supplementary Rule 300 is admissible irrespective of the date on which the orders of transfer were received by the Government servant concerned. Should the Government servant join his new appointment before the expiry of such leave *plus* the joining time admissible, the period short taken should be considered as leave not enjoyed and a corresponding portion of the leave sanctioned should be cancelled without any reference to the authority which granted the leave. If, in any case, the Government servant desires not to avail himself of the full period of joining time admissible, the periods of leave and joining time should be adjusted with reference to such option.

[Para. 3, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(5) If vacation is combined with leave, joining time should be regulated under clause (*b*)(*i*) of Fundamental Rule 105 if the total period of leave on average pay and vacation combined is of not more than four months' duration and under clause (*c*) if the leave out of India and vacation combined is more than four months.

[Para. 4, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(6) Joining time under clause (*c*) of this rule is reckoned from the date of disembarkation at an Indian Port. Colombo is not regarded as an Indian Port for this purpose.

[Para 5 (a), Chap XI, Sec. I of Manual of Audit Instructions (Reprint).]

(7) Joining time under clause (*c*) of this rule is admissible to a Government servant for organising his domestic establishment even if he does not make any journey from the port of disembarkation.

[Para. 5(ii), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(8) A Government servant who returns from leave of not more than four months' duration and who is reposted to the same 'remote locality' from which he proceeded on leave, or a Government servant who returns from leave, other than leave on average pay, not exceeding four months and who is posted to a remote locality, must reach the 'fixed point' within the period of his leave and the joining time for the journey from the 'fixed point' onwards is governed by the Supplementary Rules framed under Fundamental Rule 105 (*d*).

If the Government servant returns from leave out of India for a period exceeding four months' duration, the termination of his leave is governed by F.R. 68 and the joining time for the journey (*a*) from the port of disembarkation to the 'fixed point' and (*b*) from the 'fixed point' to the remote locality, irrespective of whether it is the *same* locality from which he proceeded on leave or not, onwards is governed by the Supplementary Rules framed under Fundamental Rule 105(*c*) and Fundamental Rule 105(*d*) respectively. The Government servant should be paid under Fundamental Rule 107(*b*) for the portion of the joining time regulated under Fundamental Rule 105(*c*) and under Fundamental Rule 107 (*c*) for the portion regulated under Fundamental Rule 105(*d*).

[Para. 6, Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

Audit Ruling.—A Government servant sent for medical examination from Simla to Meerut for appointment in the Military Department, and returned to Meerut as unfit, should be considered to be on joining time during his absence on transfer and re-transfer.

[Ruling (34), Sec. IV of Compilation of Audit Rulings.]

Auditor General's decision.—A question arose whether any joining time is admissible to a Military Officer in civil employ who before reversion to Military duty takes leave under Fundamental Rule 100, and if so, whether the civil or the military joining time rules should apply in such cases.

Under Fundamental Rule 3 the officer in such a case is of course to be governed by the Army Regulations in the matter of joining time, but under the last sub-paragraph of paragraph 593 of the Regulations for the Army in India the joining time of an individual transferred from military to civil or foreign employ or on retransfer to military employ is to be governed by the rules of the department or government to which he was transferred. It is by virtue of the rule in this paragraph in the Army Regulations that the Civil joining time rules become applicable in such cases, and there is nothing in Fundamental Rule 3 to prevent this result. The Auditor General has therefore decided with the concurrence of the Government of

India that joining time and joining time pay under the civil rules are admissible in such cases and that the joining time pay is chargeable to civil estimates.

[Ar.G's letter No. T-254-A/123-38, dated the 27th May 1939.]

F. R. 106. A local Government may make rules regulating the joining time admissible in each of the cases mentioned in rule 105 and specifying the places and stations to which clause (d) of that rule shall apply. Such rules should be framed with due regard to the time required for actual transit and for the organization of domestic establishment.

[*For rules made by the Governor General in Council under Fundamental Rule 106 in his capacity as a Local Government, see Supplementary Rules 293 to 306A.*]

F. R. 107. A Government servant on joining time shall be regarded as on duty and shall be entitled to be paid as follows :—

(a) If on joining time under clause (a) of rule 105, he is entitled to the pay which he [1][would have drawn if he had not been transferred] or the pay which he will draw on taking charge of his new post, whichever is less.

[See Audit Instructions under F. R. 20.]

(b) If on joining time under clause (b) or (c) of rule 105 he is entitled—

(i) when returning from extraordinary leave, other than extraordinary leave not exceeding fourteen days granted in continuation of other leave ; if a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules, to subsistence grant ; otherwise, to no payments at all :

(ii) when returning from leave of any other kinds ; to the leave salary which he last drew on leave at the rate prescribed for the payment of leave-salary in India :

Provided that the amount of half average pay to be drawn during joining time by a member of the Indian Civil Service or a military commissioned officer subject to the civil leave rules returning from leave on half average pay shall be calculated without regard to the limits prescribed in rule 89.

NOTE 1.—A military officer subject to the military leave rules who retains a lien on his civil post is entitled, on joining time under sub-clause (ii) above, to draw the same amount of leave-salary which he would have drawn had he taken leave under civil leave rules ; provided that such leave-salary shall not be less than that which he actually drew during the last portion of his leave.

(c) If on joining time under clause (d) of rule 105, he is entitled to pay as though he were on duty in his post.

NOTE 2.—A ministerial servant on transfer is not entitled to be paid while on joining time unless his transfer is made in the public interests. [2][* * *].

[1][] The words " would have drawn if he had not been transferred " have been substituted for the words "drew prior to relinquishing charge of his old post " with effect from the 11th September 1929.

[2][] Deleted by G.I., F.D. Resn. No. F. II(28)-R. I/33, dated the 1st February 1934, under Rules 37 and 44(d) of the Civil Services (Classification, Control and Appeal)

Government of India's decision.—*See* item (4) of the Government of India's decisions below Fundamental Rule 105 in this Section.

Audit Instructions—

(1) No extra pay (where the transfer involves the grant of extra pay) can be drawn in any case by a relieving Government servant until the transfer is complete, but as far as ordinary pay and allowances are concerned, an exception may be made to the general rule in all cases in which the charge to be transferred (whether a division, a sub-division or other charge) consists of several scattered works which the relieving and relieved Government servants are required, by the orders of a superior officer to inspect together before the transfer can be completed. The relieving Government servant will be considered as on duty if the period taken in carrying out these inspections is not considered by the Superintending Engineer to be excessive. While so taking over charge, the relieving Government servant will draw :—

(*i*) if he is transferred from a post which he holds substantively his presumptive pay in that post,

(*ii*) if he is transferred from a post which he has held in an officiating capacity, the officiating pay admissible in that post provided it is not more than the pay he would draw after the transfer is complete ; otherwise, his presumptive pay in the permanent post on which he had a lien prior to transfer,

(*iii*) if he returns from leave, his presumptive pay in the post on which he retained a lien during the leave.

Note 1.—The power vested in the Superintending Engineer under this Audit Instruction has been delegated to all officers, whether permanent or officiating, in charge of Canal Division in the United Provinces in respect of lower subordinates and members of the Subordinate Engineering Service in the Irrigation Branch. In consequence of this delegation, charge certificates will, in future, be transmitted by the Divisional Officer direct to the Accountant General.

Note 2.—This Audit Instruction is also applicable to the Telegraph Engineering and Wireless branches of the Indian Posts and Telegraphs Department, the Head of a Circle and the Director of Wireless respectively taking the place of the Superintending Engineer.

[Para. 7(i), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The words "if he had not been transferred" in clause (*a*) of F.R. 107 should be interpreted in the sense "if he had continued in the old post".

[Para. 7(ii), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

(3) The words "in his post" occurring in clause (*c*) of F.R. 107 mean "in his post in the remote locality" even in the case of a Government servant on straight transfer.

[Para. 7(iii), Chap. XI, Sec. I of Manual of Audit Instructions (Reprint).]

Auditor General's decisions—

(1) A military commissioned officer subject to the civil leave rules is entitled during joining time under clauses (*b*) and (*c*) of Fundamental Rule 105, to leave-salary at the rate prescribed for payment of leave-salary in

India subject to the Military minimum prescribed for leave spent in India, *vide* Note 2 read with Note 1 under Fundamental Rule 90, *i.e.*, at the rates in paragraph 65(*iv*) of the Pay and Allowance Regulations for the Army in India, Part II.

[C.C.A's letter No. T-649-A/98-31, dated the 18th July 1931.]

(2) A question arose whether during the period occupied in handing over and taking over charge of scattered works referred to in item (1) of the Audit Instructions above both the relieved and relieving officers are entitled to free quarters or house rent allowance in lieu thereof. It has been decided by the Auditor General, in consultation with the Government of India, that the concession of house rent allowance or free quarters ordinarily admissible to an officer should be treated as "ordinary pay and allowances" within the meaning of the first sentence of the above Audit Instruction and is admissible to both the relieved and the relieving officers in the circumstances explained above.

[Ar. G's letter No. T-128-A/11-35, dated the 9th May 1935.]

F. R. 108. A Government servant who does not join his post within his joining time is entitled to no pay or leave-salary after the end of the joining time. Wilful absence from duty after the expiry of joining time may be treated as misbehaviour for the purpose of rule 15.

[1]F.R. 108A. A person in employment other than Government service or on leave granted from such employment, if in the interests of Government he is appointed to a post under a Local Government, may, at the discretion of the Local Government, be treated as on joining time while he prepares for and makes the journey to join the post under Government, and while he prepares for and makes the journey on reversion from the post under Government to return to his original employment. During such joining time he shall receive pay equal to the pay, or in the case of joining time immediately following leave granted from the private employment, to the leave salary, paid to him by his private employer prior to his appointment to Government service, or pay equal to the pay of the post in Government service, whichever is less.

[1] This new rule was introduced with effect from the 11th March 1925.

PART VII.

Chapter XII.—Foreign Service.

F. R. 109. The rules in this chapter apply to those Government servants only who are transferred to foreign service after these rules come into force. Government servants transferred previously will remain subject to the rules in force at the time of transfer.

Audit Instructions—

(1) The rules in Chapter XII of the Fundamental Rules apply to those Government servants only who are transferred to foreign service after the 1st January 1922. Those transferred previously remain subject to the rules in force at the time of transfer. Government servants of the latter class are, however, entitled to take the benefit of the other rules in the Fundamental Rules and will be adjudged to have elected to do so if they do not exercise the option given by Fundamental Rule 58. To cover cases in which such Government servants come under the new leave rules it has been ruled—

(1) that their pay in foreign service shall be treated as pay for the purpose of calculating leave-salary, and

(2) that the obligation of foreign employers to pay a portion of leave allowances during privilege leave shall be held to continue during the first four months of any period of leave on average pay.

[Para. 1(i), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) Extensions of foreign service ending on and after the 1st January 1922, of Government servants who were transferred to foreign service prior to that date, should be treated as fresh transfers and dealt with under the Fundamental Rules.

[Para. 1(ii), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 110. (a) No Government servant may be transferred to foreign service against his will.

(b) A transfer to foreign service outside India may be sanctioned by the Governor General in Council.

NOTE.—The Government of Madras is authorised to transfer to service in Ceylon any Government servant other than a member of an all-India service.

(c) Subject to any restrictions which the Governor General in Council may by general order impose in the case of transfer to the service of an Indian State, a transfer to foreign service in India may be sanctioned by the local Government under which the Government servant transferred is serving.

Government of India's decision.—The restrictions imposed by or under clauses (*b*) and (*c*) of F.R. 110 and sub-rule (2) of rule 45 of the C.S. (Classification, Control and Appeal) Rules on the powers of the Provincial Government in relation to Government servants under their rule-making control are inconsistent with the new Constitution and cannot now be

regarded as valid. The Provincial Governments are accordingly competent to transfer persons under their rule-making control to foreign service outside India without the previous sanction of the Governor General in Council, and are not bound by the restrictions imposed by him on transfer to the service of an Indian State. The Auditor General of India concurs in this view.

The Government of India and the Crown Representative may however, be consulted beforehand in regard to any request for the loan of the services of Provincial Officers from a foreign country outside the British Empire and from an Indian State, respectively, in order that they may have an opportunity of considering the proposal from the point of view of their respective responsibilities. The Provincial Government will doubtless give full weight to any views which the Government of India or the Crown Representative may express on such consultation.

The provision in F.R. 110 (*b*) empowering the Governor General in Council to sanction a transfer to foreign service outside India is inconsistent with the general lay-out of Part X of the Government of India Act, 1935, in the case of the Secretary of State's Officers serving *under* Provincial Governments and the sanction of the Secretary of State is necessary in their cases.

[G.I., F.D. Endorsement No. F. 1(24)-R. I/41, dated the 27th November 1941.]

NOTE 1.—In regard to the transfer of Government servants to foreign service in Indian States, referred to in para. 2 above, the Crown Representative need only be consulted beforehand in the case of officers belonging to the Provincial and All India Services.

[G.I., F.D. Endorsement No. F.1(24)-R. I/41, dated the 6th March 1942.]

NOTE 2.—The position in paragraph 3 of the Government of India's decision has changed with the issue of the rule made by the Secretary of State on the 14th April 1942 and published in the Government of India, Home Department Notification No. 195/40-Ests., dated the 9th June 1942. Under the Secretary of State's rule mentioned above Fundamental Rules 110(b) and (c) now confer on the Governor of a Province, exercising his individual judgment power to sanction transfers to foreign service outside India and power to impose by general order restrictions in the case of transfer to the service of an Indian State and the sanction of the Secretary of State in each case is not now required.

With reference to paragraph 2 of the above decision as further explained in Note 1 above, the convention desired to be established therein in regard to prior consultation with the Government of India and the Crown Representative will not be affected by the exercise by the Governor in his individual judgment of the powers mentioned in paragraph 1 above. The Government of India should be consulted beforehand in regard to the transfer of Secretary of State's officers serving in the Provinces to Foreign Service in countries outside the British Empire.

[G.I., F.D. Endorsement No. F.(24)-R. I/41, dated the 10th December 1942.]

Audit Instructions—

(1) For the purpose of the 'Foreign Service' rules, Nepal should be treated as outside India. This decision takes effect from the 23rd February 1927.

[Para. 2(i), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) The Government which would be entitled to recover pension contribution on behalf of a Government servant lent to foreign service should be regarded as the local Government competent to sanction his transfer to foreign service for the purpose of Fundamental Rule 110(c).

[Para. 2(ii), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

F. R. 111. A transfer to foreign service is not admissible unless—

(a) the duties to be performed after the transfer are such as should, for public reasons, be rendered by a Government servant, and

[1](b) the Government servant transferred holds, at the time of transfer, a post paid from general revenues, or holds a lien on a permanent post, or would hold a lien on such a post had his lien not been suspended.

Government of India's orders.— If in any case a proposal is made that a Government servant should be lent to a private undertaking, it is necessary that the principles of this rule should be applied most rigorously, and generally the loan of a Government officer to a private undertaking should be regarded as a very exceptional case requiring special justification.

G.I., F.D. No. F.-I. (i)-R. I/30, dated the 17th January 1930.]

Government of India's decision.— Under this rule, the transfer of a temporary Government servant to foreign service is permissible.

[G.I., F.D. No. F/66-C.S.R., dated the 22nd July 1924.]

F. R. 112. If a Government servant is transferred to foreign service while on leave, he ceases, from the date of such transfer, to be on leave and to draw leave-salary.

Secretary of State's Orders.— The Secretary of State for India had recently under consideration the question of removing the existing differentiation in treatment between officers of the Indian Services who take up employment in Indian States during the period of leave preparatory to retirement and those who are already on foreign service and to whom leave preparatory to retirement with permission to continue on duty in the service of the same employer during leave is not allowed. After consultation with the Government of India, the Secretary of State has directed that at the present juncture the existing arrangements for the treatment of officers of the Indian Services who take up employment in an Indian State during leave preparatory to retirement should be maintained subject to the reservation that, in order to prevent abuse, the concession of drawing leave salary during leave preparatory to retirement in addition to pay from an Indian State should not be granted to officers retiring on proportionate pension, or before reaching the age of superannuation, if they take such leave after being offered, or having made arrangements for, employment in a State, and that in such cases they should be required either to retire or go on foreign service terms.

[G.I., F.D. Endorsement No. F.1(1)-R.I./34, dated the 26th January 1934.]

[1] This revised clause has effect from the 29th May 1934.

Government of India's decisions—

(1) The Government of India have decided to accept the suggestions made by the Secretary of State with regard to the application of foreign service rules to officers accepting employment under an Indian State, while on leave preparatory to retirement.

Extract from the Secretary of State's Despatch, Financial No. 4, dated the 22nd February 1923, to the Governor General in Council.

"* * * * * The suggested treatment of service in an Indian State in the case of an officer on leave preparatory to retirement on proportionate pension as foreign service while the time so spent is simultaneously regarded as leave, would not be in accord with the spirit and intentions of the Foreign Service procedure. Further, it would ordinarily have the effect of increasing the officer's difficulties in obtaining fresh employment. * * * * * * I think therefore that the service in question, if permitted by you, should be treated as being private employment, unless in any special case the circumstances are such that the Government of India think it right to treat the officer as one for whom an alternative career has been found by them. * * * * In the latter case the officer would not be on leave the service should be treated as foreign service, counting for pension, contribution should be taken from the State concerned, and the proportionate pension should remain in suspense."

" 2. I would treat officers about to retire on ordinary pension on similar lines, i.e.,—

(*a*) in the case (e.g., that of an officer who has reached or is approaching the age of superannuation) the officer, notwithstanding his employment, with your permission in an Indian State, should be allowed to take any leave which would be admissible to him had he not accepted such employment, and pension contribution should not be required;

(*b*) in exceptional cases, which in the opinion of the Government of India justify such a course, acceptance of the employment might be made conditional on the officer remaining in their service and being placed on the usual foreign service terms."

[G.I., F.D. No. 602-C.S.R., dated the 26th April 1923, and enclosure.]

(2) The decision communicated in the correspondence with the Secretary of State referred to above may be taken as applying to all foreign service, and not only to service in an Indian State.

[G.I., F.D. No. 957-C.S.R., dated the 13th June 1923.]

(3) The Government of India have decided that the concession of treating employment in an Indian State during leave preparatory to retirement as private employment, suggested by the Secretary of State in his despatch No. 4 Financial, dated the 22nd February 1923 [*vide* item (1) of Government of India's decisions above] should not be granted to officers, who are in foreign service at the time they apply for such leave

and propose to continue on duty in the service of the same employer during the leave. This view is in consonance with the Secretary of State's intention, for the idea underlying the Secretary of State's suggestion was to facilitate the securing of post-pension employment by officers proceeding on leave preparatory to retirement, a consideration which does not obtain in the case of officers who are already in foreign service.

[G.I., F.D. letter No. F.1(45)-R. I/31, dated the 21st December 1931.]

(4) The expression "the concession of drawing leave salary..... should not be granted to officers retiring on proportionate pension, or before reaching the age of superannuation" in the Secretary of State's orders under this rule (quoted above) has been interpreted to mean that the concession should not be granted (*a*) to officers retiring on proportionate pension, and (*b*) to officers retiring before the age of superannuation, i.e., in effect, the concession is inadmissible only where the following ingredients occur (*i*) premature retirement, and (*ii*) the previous offer, or arrangement, of employment in an Indian State.

The concession of drawing leave salary as well as pay from the Indian State is permissible when the leave is the last leave taken before or after reaching the age of superannuation, except when the officer is already in foreign service when he applies for such leave.

[G.I., F.D. letter No. F. I-(24)-R. I/35, dated the 30th October 1935.]

(5) The Government of India having considered the question whether an officer, who is under F.R. 56 (*c*) (IV) (3), compelled to retire from active service after 5 years' tenure of his post (unless re-appointed) even though he has not reached the age of superannuation, is debarred from drawing leave salary in addition to pay from an Indian State during leave preparatory to retirement, if he takes such leave after having been offered or having made arrangements for employment in a State, have decided that in such a case there is no objection to the drawing of leave salary in addition to pay from a State provided the leave is the last leave taken before the date of such compulsory retirement.

[G.I., F.D. Endorsement No. F. 1(11)-R. I/36, dated the 18th June 1936.]

[1]**F. R. 113.** (i) **A Government servant transferred to foreign service shall remain in the cadre or cadres in which he was included in a substantive or officiating capacity immediately before his transfer, and may be given such substantive or officiating promotion in those cadres as the authority competent to order promotion may decide. In giving promotion, such authority shall take into account—**

(a) the nature of the work performed in foreign service, and

(b) the promotion given to juniors in the cadre in which the question of promotion arises.

(ii) Nothing in this rule shall prevent a member of a Subordinate Service from receiving such other promotion in Government service as the authority who would have been competent to grant the promotion had he remained in Government service may decide.

[1] This revised rule was introduced by G.I., F.D. Notification No. F.1(9)-R. I/36, dated the 9th July 1936.

Audit Instruction.—See item (8) of Audit Instructions below Fundamental Rule 87 in this Section.

F. R. 114. A Government servant in foreign service will draw pay from the foreign employer from the date on which he relinquishes charge of his post in Government service. Subject to any restrictions which the Governor General in Council may by general order impose, the amount of his pay, the amount of joining time admissible to him and his pay during such joining time will be fixed by the authority sanctioning the transfer in consultation with the foreign employer.

[*For orders issued by the Governor General in Council under this rule, see Appendix 11 in Volume II of this Compilation.*]

Government of India's decisions—

(1) The Government of India have had under consideration the question whether, if an officer on foreign service in India is sent by his employer out of India on duty, the nature of his employment should be considered to have been changed, and he should be treated as on foreign service out of India for the period in question. It has been decided with the concurrence of the Auditor-General that the service in question should continue to be treated as foreign service in India, but both in this case and in the converse case of an officer on foreign service out of India deputed by his employer to India on duty, who similarly continues to be on foreign service out of India, the fact of the officer's being so deputed should be brought to the notice of the lending authority as it might be necessary to reconsider the question of his emoluments.

[G.I., F.D. No. 1010-E.B., dated the 21st August 1922.]

(2) The Government of India have had under consideration the question of the possibility of officers transferred to foreign service being admitted to the concession of sterling overseas pay to which they would have been entitled under the Superior Civil Services Rules, had they not been so transferred. After due consideration they have decided that it is impossible to express any part of the pay of an officer on foreign service in sterling. The question whether such officers should be given a corresponding increase in their rupee pay is one for settlement in each case in consultation with the foreign employer. If it is decided, after such consultation, that an increase should be granted, the calculation of the rupee value of a sterling pay will be made at the current rate [now uniform rate] of exchange [*vide* Art. 229, Account Code, Volume IV—First Edition (1940)] on the date the officer is transferred to foreign service. In the case of officers already in foreign service, the rate will naturally be the rate on the date with effect from which their pay is revised.

It is understood that in certain cases the pay of officers in foreign service is fixed as the pay they would receive in Government service or such pay *plus* a certain percentage thereof. In such cases, the Government of India consider that the foreign employer can equitably be called upon to pay the equivalent of sterling overseas pay according to the terms of the

arrangement, though even in such cases his concurrence should be obtained. The sterling pay will then be converted monthly to rupees at the "current rate".

[G.I., F.D. letter No. F/211-C.S.R./25, dated the 6th July 1925.]

(3) Paragraph 2 of Government of India's decision (2) above should be taken as applicable to all cases in which the pay of an officer in foreign service is fixed as the pay which he would receive from time to time in Government service or the pay of a post in Government service, with or without an addition thereto in the form of a percentage of such pay $\frac{\text{and}}{\text{or}}$ of a fixed sum.

The decision that overseas pay should not be paid in sterling was based mainly on a consideration of the complications which would arise from an accounts point of view if Government were to make payments in sterling through the High Commissioner for India and recover the amount from the foreign employers. If, however, a foreign employer prefers to make his own arrangements to disburse the overseas pay in sterling and the employee agrees to it, the Government of India have no objection to the adoption of such a procedure; in that case, for the purpose of calculating contribution, the amount paid in sterling should be converted to rupees at the "current rate of exchange" [now "uniform rate of exchange"].

[G.I., F.D. letter No. F/221-C.S.R.-25, dated the 19th January 1926.]

(4) Where the pay during foreign service of an officer who is entitled to the passage concessions under Schedule IV to the Superior Civil Services Rules, is fixed as the pay which he would receive from time to time in Government service with or without an addition thereto in the form of percentage of such pay $\frac{\text{and}}{\text{or}}$ of a fixed sum, the foreign employer is liable to pay, in addition to the pay originally fixed and the sterling overseas pay or its equivalent in rupees, passage pay at the rate of Rs. 50 per mensem, with effect from the 1st April 1924.

The Passage Fund has been abolished with effect from the 1st April 1926 but foreign employers will continue to be liable to pay Rs. 50 per mensem in the case of officers referred to above as their share of the cost of free passages. * * * .

The Governor General in Council has * * * decided that, in respect of officers other than those serving under Provincial Governments who are transferred to foreign service on and after the date of receipt of this letter, a contribution for passages at the rate of Rs. 50 a month, payable during the whole tenure of an officer's service under the foreign employer, whether he is on leave or duty, should be levied in all cases in which the officer is eligible for the passage concession.

[G.I., F.D., letter No. F./28-VI C.S.R.-26, dated the 12th June 1926.]

(5) The Governor General in Council considers that the liability on account of the Passage concessions to non-Superior officers of non-Asiatic domicile under the Central Government under the rules promulgated in the Government of India, Home Department, Memorandum No. F-10/4/30-Ests., dated the 6th August 1930, in respect of those officers on foreign service who are admitted to them is one which should legitimately be borne by the foreign employers. He has, therefore, decided that a contribution, fixed provisionally at the rate of Rs. 30 per mensem, should be levied, with effect from the 1st April 1931, from all foreign employers under whom such officers may be serving. The contribution will be payable throughout the officer's service under the foreign employer, i.e., whether he is on duty or on leave. It will not, however, be payable in the case of those officers in whose case it has been agreed between Government and the Foreign employer that the officer shall receive passage benefits from the foreign employer in respect of the period of his foreign service.

If the services of officers admitted to these passage concessions are transferred from a Civil Department to the Military Department or from a commercial to non-commercial department or *vice versa*, or from the Central to Provincial Government, adjustments should be made, in respect of such officers, on the basis of the Foreign Service rate of contribution, and the procedure adopted for the purpose should be the same *mutatis mutandis*, as laid down in Section III—Incidence of the cost of passages, in Part B of Appendix 3 to the Account Code, Volume I First Edition (1940).

[G.I., F.D. No. F.1(9)-R. I/31, dated the 31st March 1931.]

(6) The Government of India have decided that where an officer in receipt of overseas pay is granted, on transfer to foreign service in India or on the occasion of extension of period thereof, or on appointment to a temporary Government post, an increase over his substantive pay in the regular line and the increase is expressed as a percentage of substantive pay, the percentage should be applied only to the basic pay drawn by the officer in the regular line and not to his overseas pay. This decision applies equally to sterling and rupee overseas pays and to officers of Asiatic and non-Asiatic domicile.

[G.I., F.D. letter No. F.1(29)-R. I/39, dated the 21st September 1939.]

(7) In view of the decision conveyed in the Government of India, Finance Department, letter No. F. 4(29)-R. I/39, dated the 31st January 1940, that passage certificates should be issued based on the revised P. & O. fares, the contributions for passages recoverable from foreign employers need revision, and the Governor General in Council has decided as follows:—

(*i*) Foreign employers should, in addition to the normal contributions pay additional contribution equal to 52 per cent. of the existing rates, that being the difference between the P. & O. return fare before the fares were increased and the current cost of two single fares of the same class admissible

in terms of the Passage Regulations to the officers concerned. This additional recovery should be made for all such officers, whether or not their passage accounts are operated upon during the currency of the increased rates of passage fares. The rate of additional contribution will be subject to alteration, according to the variations in the P. & O. fares and such alterations will be communicated by the Government of India from time to time.

(*ii*) Provision for this additional recovery should be made in the terms of all officers who may henceforth be transferred to foreign service. In the case of those already in foreign service, the matter should be taken up with the foreign employer and additional recovery at the rate mentioned above should be made with effect from the 8th September 1939, unless some later date is mutually agreed upon between Government and the foreign employer in any specific case.

(*iii*) The same procedure should be adopted for the purposes of adjustments of the cost of passages of officers, whether entitled to superior or non-superior passage concessions, between civil and military departments; commercial and non-commercial departments ; and Central and Provincial Governments, as laid down in Section III—Incidence of the cost of passages, in Part B of Appendix 3 to the Account Code, Volume I, First Edition (1940).

G.I., F.D., Endorsement No. F.4(29)-R. I/39, dated the 2nd September 1940.

(8) In partial modification of the orders contained in clause (*i*) of Government of India's decision (7) above, the normal rate of contributions for passages recoverable from foreign employers should be raised (*i*) in respect of superior passages by 70 per cent. (74 per cent. in the case of 1st class C) and (*ii*) in respect of non-superior passages by 108 per cent. with effect from the 11th September 1941.

[G.I. F.D. Endorsement No. F. 4(29)-R. I/41, dated the 9th January 1942.]

(9) *See* item (6) of the Government of India's decisions in Appendix 11 in Volume II of this Compilation as inserted by correction slip No. 382, dated the 5th June 1944.

(10) *See* item (7) of the Government of India's decisions in Appendix 11 in Volume II of this Compilation as inserted by correction slip No.391, dated the 5th June 1944.

Audit Instruction.—When any Government servant lent on foreign service conditions retires from Government service without, at the same time, retiring from the service of his foreign employer, the Audit Officer shall communicate to the foreign employer through the usual authorities a statement showing the date of retirement and the amount of pension drawn from Government so as to give the foreign employer the opportunity, if he be so inclined, of revising the existing terms of employment.

Para. 8, Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

[1] **F. R. 115.** a) While a Government servant is in foreign service, contribution towards the cost of his pension must be paid to general revenues on his behalf.

(b) If the foreign service is in India, contributions must be paid on account of the cost of leave-salary also.

(c) Contributions due under clauses (a) and (b) above shall be paid by the Government servant himself ; unless the foreign employer consents to pay them. They shall not be payable during leave taken while in foreign service.

(d) By special arrangement made under Rule 123 (b), contributions on account of leave-salary may be required in the case of foreign service out of India also, the contributions being paid by the foreign employer.

NOTE 1.—Pensions, throughout this chapter, include Government contribution, if any, payable to a Government servant's credit in a provident fund.

OTE 2.—In the case of Government servants lent to His Majesty's Government or to British colonies or protectorates, the contribution is payable by the employer, except in the case of Government servants lent to the War Office, whose contributions are paid in accordance with special arrangements with the War Office.

[*For Administrative Instructions issued by the Governor General in Council regarding* "Procedure for Payment of Contribution" *see Part VI (1) of Appendix No. 3 in Volume II of this Compilation.*]

Government of India's decision.—For the purposes of the rules communicated in Government of India, Finance Department letter No. 479-C.S.R., dated the 15th April 1921, and in supersession of the rule in Article 774, Civil Service Regulations, the pension contributions recovered on behalf of an officer in foreign service will in all cases be credited to and the foreign service treated as service under the Government (Central or Provincial) under which he was permanently employed at the time of his transfer to foreign service.

This decision will apply to all foreign service rendered from and after the 24th October 1921, the pension contributions received in respect thereof being adjusted accordingly by the local Accountant General.

Foreign service rendered prior to the 24th October 1921 will perforce require to be treated as service under the Government which has already received the contributions, and the ultimate apportionment of pensionary charges in certain cases will be worked out accordingly under the rules promulgated with the letter under reference.

The principles enunciated above shall also apply to the contributions recovered towards the leave-salary of officers on foreign service in India. That is, all such contributions received in respect of foreign service rendered from and after the 24th October 1921 will be credited to the Government (Central or Provincial) under which the officers were permanently employed at the time of their transfer to foreign service and all those received in respect of foreign service rendered prior to that date will remain on the books of the Government which has already received

[1] This revised rule has effect from the 5th September 1928.

them. The foreign service will thus be treated as service for leave under the Government which has received the contributions and such Government will bear its share of leave-salary in accordance with the last paragraph of the rules promulgated with the letter under reference.

[G.I., F.D., No. 1255-E.B., dated the 24th October 1921, and No. 1316-C.S.R. dated the 22nd November 1922.]

Auditor General's decision.— In the case of officers transferred to foreign service prior to the introduction of the Fundamental Rules who remain under the foreign service rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules, the first four months of leave on average pay or such a longer period as may be admissible to these officers as privilege leave under the rules previously in force should, for the purposes of Articles 765(*b*) and 779, Civil Service Regulations be treated as corresponding to privilege leave.

[Ar. G.'s No. 1078-A. -352½-23, dated the 29th October 1923.]

[1]F. R. 116. The rate of contributions payable on account of pension and leave-salary shall be such as the Governor General in Council may by general order prescribe.

[*The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A in Volume II of this Compilation.*]

Government of India's orders—

(1) The Governor General in Council has decided that in the case of officers transferred to foreign service *after* the date of this Resolution, to whom the Fundamental Rules do not apply, the rules regarding contributions for leave-salary and pension shall be the same as those applicable to Government servants whose employment on foreign service is governed by the Fundamental Rules. For the purpose of this Resolution, a transfer to foreign service includes an extension of the term of employment of an officer who is already on foreign service.

[G.I., F.D., Res. No. 323-C.S.R., dated the 28th February 1924.]

(2) The rate of foreign service contribution in respect of inferior servants, prescribed in Article 770(*c*), Civil Service Regulations, still holds good. The non-recovery of contribution for leave salary in the case of inferior Government servants transferred on foreign service, should be deemed to be a remission of such contribution under Fundamental Rule 119(*a*). Such non-recovery will not affect the title of an inferior Government servant to leave and leave-salary under Fundamental Rules 60 and 117(*b*).

The contribution for pension in the case of an inferior Government servant transferred on foreign service should be levied at the rate prescribed in Article 770(*c*), Civil Service Regulations, on the maximum monthly pay of the grade substantively held by the inferior Government servant.

[G.I., F.D., letters No. D/3252-C.S.R., dated the 25th June 1925, and No. F. 1 (20)-R. I/36, dated the 17th September 1936 and endorsement s No. F. 1 (12)-R. I/42, dated the 20th April 1942 and No. F. 1 (24)-R. I/42, dated the 5th January 1943.]

[1] This revised rule has effect from the 5th September 1928.

(3) *Pension contribution payable in respect of officers of the Govern- of India employed under the Iraq Government—*

(*i*) In the case of all officers of the " Superior " services, except those who were first lent to the Iraq Government subsequent to 27th January 1922 the revised 1929 rates (Appendix 11-A in Volume II of this Compilation) shall apply from 31st July 1923. In the case of those officers who were first lent to Iraq after 27th January 1922 the 1929 revised rates (Appendix 11-A *ibid*) shall apply from the date they first joined Iraq's service.

(*ii*) In the case of non-superior officers who have already retired from Iraq's service without reverting to duty in India, or who may so retire before 1st September 1930 the rates actually levied from 1st August 1923 to 28th February 1929, shall stand, except that Rs. 1,000 per mensem shall be fixed as the limit of pay on which contributions at the fundamental rules rates shall be calculated.

(*iii*) That in the case of non-superior officers other than those referred to in sub-paragraph (*ii*) preceding, the rate of 12½ per cent. of the pay drawn by the officers from the Iraq Government shall apply, from 1st August 1923, subject to the condition that pay for this purpose shall not in any case be taken at more than Rs. 1,000 per mensem.

(*iv*) In all cases in respect of the period from 27th January 1922 until 31st July 1923 inclusive, the old Civil Service Regulations rates (*i.e.*, those in force prior to the introduction of the Fundamental Rule rates) shall apply, except in the case of officers who are lent to Iraq for the first time after 1st January 1922.

NOTE.—By " Superior " Services in this connection is meant the All-India and Class I Central Services, and the commissioned ranks of the Indian Army and the Royal Indian Marine, and by " Non-Superior " Services all other Indian Government servants employed in Iraq.

India Office letter No. F. 1264/31, dated the 17th March 1931, received with the G.I., F. D., letter No. F. 81-R.I/24, dated the 4th June 1931.]

Audit Instructions—

(1) The leave-salary contribution for the period of joining time taken by a Government servant in continuation of leave under clause (*b*) of F. R. 105 before reversion from foreign service should be calculated on the pay he was getting immediately before he proceeded on leave.

[Para. 4, Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

(2) When a Government servant is transferred to Foreign Service, or when the period of Foreign Service of a Government servant is extended, it should be stipulated that the contributions for pension and leave salary or for pension alone, as the case may be, will be recoverable at the rates in force from time to time in accordance with the orders issued by

the Governor General in Council under F. R. 116. Similarly, if the officer is on a non-pensionable footing and is subscribing to a Contributory Provident Fund, it should also be stipulated that the monthly subscription to the Fund, as well as the periodical Contribution to be made to the Fund account, will be recoverable in accordance with such orders of the Governor General in Council as may be issued from time to time in this behalf.

[Para. 5(*i*), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint)].

(3) Non-Superior Officers transferred to foreign service before the 5th September 1928 referred to in para. 5 of the Government of India, Finance Department Resolution No. F. 81 R. I/24, dated the 11th February, 1929, are entitled, irrespective of the rate of pension contribution prescribed for them, to a pension calculated wholly or partly, as the case may be, on the pay drawn by them in foreign service.

[Para. 5(*ii*), Chap. XII, Sec. I of Manual of Audit Instructions (Reprint).]

[1] **F. R. 117. (a) The rates of pension contribution prescribed under Rule 116 will be designed to secure to the Government servant the pension that he would have earned by service under Government if he had not been transferred to foreign service.**

(b) The rates of contribution for leave-salary will be designed to secure to the Government servant leave-salary on the scale and under the conditions applicable to him. In calculating the rate of leave salary admissible, the pay drawn in foreign service, *less* in the case of Government servants paying their own contributions, such part of pay as may be paid as contribution, will count as pay for the purpose of Fundamental Rule 9(2).

[*The rates of contributions prescribed by the Governor General in Council, with reference to Fundamental Rules 116 and 117, are given in Appendix 11-A in Volume II of this Compilation.*]

Audit Instructions—

(1) *See* item (8) of Audit Instructions below Fundamental Rule 87 in this Section.

(2) *See* items (2) and (3) of Audit Instructions below Fundamental Rule 116 in this Section.

Auditor General's decisions—

(1) The orders in Government of India, Finance Department, Resolution No. 35-E. B., dated the 18th January 1922 (*vide* item (1) of the Audit Instructions below Fundamental Rule 109 in this Section) were not intended to place officers who were transferred to foreign service before 1st January 1922 and who have elected to come under the new leave rules, in a better position in the matter of leave salary than those transferred to foreign service subsequently. What was intended is that the principle of the rules in (old) Fundamental Rule 116 (New Fundamental Rule 117) should be applied to both cases of officers. The

[1] This revised rule has effect from the 5th September 1928.

expression "their pay in foreign service" in clause (1) of the Audit Instruction should therefore be taken as meaning "the pay drawn in foreign service less such part of it as may be paid as contribution."

In the case of officers who are exempted from the payment of contribution, leave-salary should be based on the actual pay in foreign service without regard to contribution, which would have been paid but for the exemption.

[Ar. G's No. 617-A/186-22, dated the 7th September 1922.]

(2) Under (old) Fundamental Rule 116 (New Fundamental Rule 117), contribution is to be calculated on the pay actually drawn by the employee in foreign service excluding that part of it which represents contribution.

[Ar. G's No. 945-A/K-W. 66-22, dated the 1st September 1923.]

(3) In the case of officers transferred to foreign service prior to the introduction of the Fundamental Rules who remain under the foreign service rules in the Civil Service Regulations but have elected to come under the new (Fundamental) leave rules, leave-salary should be based on the actual pay in foreign service where the contribution is paid by the foreign employer in addition to the officer's pay.

[Ar. G's No. 975-A/352½-23, dated the 17th September 1923.]

F. R. 118. *Deleted* [With effect from the 31st December 1929.]

F. R. 119. Subject to any general orders of the Governor General in Council, a local Government sanctioning a transfer to foreign service may—

(a) remit the contributions due in any specified case or class of cases, and

(b) make rules prescribing the rate of interest, if any, to be levied on overdue contributions.

[*For rule made by the Governor General in Council, in his capacity as a Local Government, under Fundamental Rule 119 (b), see Supplementary Rule 307.*]

Government of India's orders—

(1) The Government of India do not propose to issue any order under Rule 119(*a*).

[G. I., F. D., No. 1360-E. B., dated the 10th December 1921.]

(2) *See* item (2) of the Government of India's orders under Fundamental Rule 116 in this Section.

F. R. 120. A Government servant in foreign service may not elect to withhold contributions and to forfeit the right to count as duty in Government service the time spent in foreign employ. The contribution paid on his behalf maintains his claim to pension, or to pension and leave-salary, as the case may be, in accordance with the rules of the service of which he is a member. Neither he nor the foreign employer has any right of property in a contribution paid and no claim for refund can be entertained.

F. R. 121. A Government servant transferred to foreign service may not without the sanction of the Local Government, accept a pension or gratuity from his foreign employer in respect of such service.

F. R. 122. A Government servant in foreign service in India may not be granted leave otherwise than in accordance with the rules applicable to the service of which he is a member and may not take leave or receive leave-salary from Government unless he actually quits duty and goes on

[*For Administrative Instructions issued by the Governor General in Council regarding* ***Leave and the Grant of Leave to Government servants in Foreign Service in India,*** *see Part VI (2) of Appendix 3 in Volume II of this Compilation.*]

[1]**F. R. 123.** (a) A Government servant in foreign service out of India may be granted leave by his employer on such conditions as the employer may determine. In any individual case the authority sanctioning the transfer may determine beforehand, in consultation with the employer, the conditions on which leave will be granted by the employer. The leave-salary in respect of leave granted by the employer will be paid by the employer and the leave will not be debited against the Government servant's leave account.

(b) In special circumstances, the authority sanctioning a transfer to foreign service out of India may make arrangement with the foreign employer, under which leave may be granted to the Government servant in accordance with the rules applicable to him as a Government servant if the foreign employer pays to general revenues leave contribution at the rate prescribed under Fundamental Rule 116.

Audit Instructions—

(1) *See* item (8) of Audit Instructions below F. R. 87 in this Section.

(2) For the purpose of pension the period of leave granted by foreign employers out of India to Government servants lent to them under F. R.123(*a*), should be treated as " leave " and not as ' duty ". Any such leave, if taken on full or average pay or equivalent terms should, up to a limit of four months on any one occasion, be treated as privilege leave for the purpose of Article 407, Civil Service Regulations, and all other leave with leave allowances should be dealt with as in Article 408, Civil Service Regulations.

[Para. 17(*i*), Sec. III, of Manual of Audit Instructions (Reprint).]

F. R. 124. A Government servant in foreign service if appointed to officiate in a post in Government service, will draw pay calculated on

[1] This revised rule has effect from the 5th September 1928.

the pay of the post in Government service on which he holds a lien [1][or would hold a lien had his lien not been suspended] and that of the post in which he officiates. His pay in foreign service will not be taken into account in fixing his pay.

Audit Instruction.—See item (8) of Audit Instructions below Fundamental Rule 87, in this Section.

F. R. 125. A Government servant reverts from foreign service to Government service on the date on which he takes charge of his post in Government service ; provided that if he takes leave on the conclusion of foreign service before rejoining his post, his reversion shall take effect from such date as the Local Government on whose establishment he is borne may decide.

Government of India's decision.—When a Government servant on foreign service in or out of India applies for leave preliminary to retirement, coupled with permission to remain in the service of the foreign employer, leave may be granted only on the condition that the Government servant's reversion to Government service will, under F. R. 125, take effect from the date of taking leave. He will then get the concession of adding leave salary from Government to pay drawn from the foreign employer, just as if he had been permitted to take up private employment during leave preliminary to retirement, but he will not be able to increase his pension, because his pension will thereafter be calculated on the pay which he would have got on resuming duty in Government service. The question of the Government servant's reversion to Government service need not be pressed if he agrees not to continue to work under the foreign employer for the period of leave ; that is, he may have leave without reverting to Government service, and may have his pension calculated on the pay which he would have drawn on foreign service.

Where, however, a Government servant has been on foreign service whether in or out of India for a considerable period, a claim to be granted by Government leave preparatory to retirement and to draw leave salary in respect of such leave should be carefully scrutinised and such leave should not ordinarily be granted on the principle that leave preparatory to retirement may be justified in cases where a Government servant desires to establish himself in new conditions and possibly in new employment but cannot be justified where he is already well established by length of service in employment on foreign service.

[G. I., F. D., No. F.I-XIX-C. S. R./27, dated the 2nd June 1927.]

Audit Instruction.—See item (8) of Audit Instructions below Fundamental Rule 87 in this Section.

F. R. 126. When a Government servant reverts from foreign service to Government service, his pay will cease to be paid by the foreign employer, and his contributions will be discontinued, with effect from the date of reversion.

[1][] Inserted with effect from the 29th May 1934.

F. R. 127. When an addition is made to a regular establishment on the condition that its cost, or a definite portion of its cost, shall be recovered from the persons for whose benefit the additional establishment is created, recoveries shall be made under the following rules :—

(a) The amount to be recovered shall be the gross sanctioned cost of the service, or of the portion of the service, as the case may be, and shall not vary with the actual expenditure of any month.

(b) The cost of the service shall include contributions at such rates as may be laid down under [1][Rule 116], and the contributions shall be calculated on the sanctioned rates of pay of the members of the establishment.

(c) A local Government may reduce the amount of recoveries or may entirely forego them.

Government of India's orders—

(1) In consequence of the amendment of old Fundamental Rules 116 and 117, the words 'Rule 117' in F. R. 127, should have been altered to 'Rule 116' with effect from the 5th September 1928 and steps will be taken to have this amendment made as early as possible. Pending the amendment, the rates of contributions to be levied under F. R. 127 shall, with effect from the 5th September 1928, be those prescribed under new F. R. 116.

[G. I., F. D., letter No. F.1-XI-F/29, dated the 17th May 1929.]

(2) As regards pension contribution, the Governor General in Council has decided that in the case of members of the Indian Civil Service, the amount to be recovered as contribution should be the average of the rates prescribed in columns 2 and 3 of the first table in the Annexure to the Government of India, Finance Department, Resolution No. F.-81-R. I/24, dated the 11th February 1929 [Section I of the Annexure to the Appendix 11-A in Volume II of this Compilation], and in the case of members of other Superior Services the average of the rates laid down in columns 4 and 5 of that table.

In the case of members of Provincial/Subordinate Services, a fraction of the total maximum monthly pay of all the sanctioned posts equal to the average of the percentages, laid down in column (2)/(3) of the table in Section II of the Annexure to the Appendix 11-A *ibid*, should be levied as contribution.

As regards contributions for leave-salary recoveries should be made by levying, in the case of members of superior services subject to the special and ordinary leave rules the average of the percentage rates and in the case of members of Provincial and Subordinate services the actual percentage prescribed in Section III of the Annexure to the Appendix 11-A

[1] The words "Rule 116" have been substituted for the words "Rule 117" with effect from the 31st December 1929.

ibid, on the total sanctioned cost, or in the case of time-scales of pay on the average cost, of all the posts concerned.

[G.I., F.D., No. F.-1-XI-R.I./29, dated the 17th June 1929 and even No. dated the 4th September 1929.]

(3) (*a*) The additions made before the 1st August 1913 are subject to the rates prescribed in the original Fifth Edition of the Civil Service Regulations even though the incumbents may change or any further additions be made to the additional establishment—*vide* Note 3 to Article 783, Civil Service Regulations.

(*b*) The rates of contributions applicable to the additions made on or after the 1st August 1913 and before the 27th January 1922, are those prescribed in Articles 769 and 770, Civil Service Regulations (Fifth Edition—Reprint), irrespective of any change of incumbents or further additions to the additional establishment.

(*c*) The additions made on or after the 27th January 1922, are subject, up to the 28th February 1929, to the rates laid down in Government of India, Finance Department, letters No. 64-E.B., dated the 27th January 1922, and No. F.81-C.S.R./24, dated the 4th August 1924, and thereafter to the rates announced in Government of India, Finance Department, Resolution No. F.81-R.I/24, dated the 11th February 1929 (*vide* Appendix 11-A in Volume II of this Compilation] or any revised rates which may be prescribed from time to time.

(*d*) In all cases, renewal of sanctions to additions to regular establishments should be treated as new sanctions.

[G. I., F. D., letter No. F.I.-XI.R.I/29, dated the 30th July 1929.]

(4) The cost of additional establishments together with contributions for leave and pension in respect of Government servants who form additions to regular establishments under Fundamental Rule 127, being recoverable from the parties for whose benefit they are created, it has been decided that a contribution for passages should, in respect of such Government servants of the additional establishments as are entitled to passage concessions, be levied at the rates applicable to Government servants entitled to passage concessions who are transferred to Foreign Service, *viz.*, at Rs. 50 per mensem in the case of Superior Officers and Rs. 30 per mensem in the case of non-Superior Officers. The contribution should be levied during the whole period of service in the additional post except that it should not be charged during leave where :—

(*a*) the leave taken is leave preparatory to retirement ; or

(*b*) the Government servant concerned will, on return from leave, be given different duties and not return to the additional post ; or

(*c*) the substitute in the additional post, for the Government servant on leave, is entitled to passage concessions and a contribution for passages is recovered on his behalf.

[G. I., F. D., No. F.1(16)-R.I/34, dated the 9th May 1934.]

(5) The Government of India have decided with the concurrence of the Auditor General of India that the rates of leave and pension contribution to be recovered in respect of establishments sanctioned before the 27th January 1922, should be the old rates mentioned in clauses (*a*) and (*b*) of the Government of India's order No. (3) below this rule. The calculations, however, should not be made on the average pay of the revised time-scales attached to the posts in all cases, as they will depend upon whether the new additions have been sanctioned on the old or revised rates of pay—*vide* Audit Instructions below this Rule.

[G. I., F. D., endorsement R. Dis. No. 422-Admn. C. E./42, dated the 14th January 1943.]

Audit Instruction.—The words 'its cost' in line 2 of F. R. 127 refer to 'an addition' in line 1 of that rule. The underlying intention of the rule is to recover the cost of the additional establishment sanctioned. Contributions for leave salary and pension leviable under Clause (*b*) of this rule should, therefore, be based on the rates of pay, old and/or revised, as the case may be, on which that establishment is actually sanctioned, irrespective of whether the person employed on the work for which it is sanctioned is an old or new entrant.

Para. 7, Chap. XII, Sec. I of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 70, dated the 1st August 1942.]

Auditor General's decision.—In calculating the pensionary contribution leviable under F. R. 127, on account of a post in the clerical grade with new scales of pay, the question arose whether the maximum pay of the Selection grade or the average of the maximum of the Selection grade and that of the ordinary time-scale of pay should be taken into account. The Auditor General has decided, with the concurrence of the Government of India, that the maximum of Grade I, (*i.e.*, the Selection grade) should be taken into account as the maximum monthly pay of the clerical grade.

[Ar. G's endorsement No. 229-A/235-35, dated the 29th November 1935.]

Chapter XIII.—Service under Local Funds.

F. R. 128. Government servants paid from local funds which are administered by Government are subject to the provisions of Chapters I to XI of these rules.

Audit Instructions—

(1) Employees of local funds administered by Government who are not paid from general revenues and are, therefore, not Government servants are subject to the provisions of Chapters I to XI of the Fundamental Rules.

[Para. 1(i), Chap. XIII, Sec. 1 of Manual of Audit Instructions (Reprint).]

(2) The expression 'Local funds which are administered by Government' means funds administered by *bodies* which by law or rule having the force of law come under the control of Government *in regard to proceedings generally* and not merely in regard to specific matters, such as the sanctioning of the budget or sanction to the creation or filling up of particular posts or the enactment of leave, pension or similar rules; in other words it means funds over whose expenditure Government retains complete and direct control.

[Para. 1(ii), Chap. XIII, Sec. 1 of Manual of Audit Instructions (Reprint).]

F. R. 129. The transfer of Government servants to service under local funds which are not administered by Government will be regulated by the rules in Chapter XII.

F. R. 130. Persons transferred to Government service from a local fund which is not administered by Government will be treated as joining a first post under Government, and their previous service will not count as duty performed. A local Government may, however, allow previous service in such cases to count as duty performedon such terms as it thinks fit.

THE SCHEDULE.

[Fundamental Rule 75-A]

Provisions for the determination of Domicile.

[Government of India, Finance Department, Resolution No. 1455-O.S.R. dated the 18th August 1923.]

1. A person can have only one domicile.

2. The domicile of origin of every person of legitimate birth is in the country in which at the time of his birth his father was domiciled, or, if he is a posthumous child, in the country in which his father was domiciled at the time of the father's death.

3. The domicile of origin of an illegitimate child is in the country in which at the time of his birth his mother was domiciled.

4. The domicile of origin prevails until a new domicile has been acquired, and a new domicile continues until the former domicile has been resumed or another has been acquired.

5. (1) A person acquires a new domicile by taking up his fixed habitation in a country which is not that of his domicile of origin.

(2) Any person may, if the law of any country so provides, and subject to any such provisions, acquire a domicile in that country by making, in accordance with the said provisions, a declaration of his desire to acquire such domicile.

Explanation I.—A person is not to be considered as having taken his fixed habitation in a country merely by reason of his residing there in His Majesty's civil or military service or in the exercise of any profession or calling.

Explanation 2.—A person does not acquire a new domicile in any country merely by reason of residing as part of the family or as a servant of any ambassador, consul, or other representative of the Government of another country.

6. The domicile of a minor follows the domicile of the parent from whom he derives his domicile of origin :

Provided that the domicile of a minor does not change with that of his parent if the minor is married or holds any office or employment in the service of His Majesty or has set up with the consent of the parent in any distinct business.

7. After marriage a woman acquires the domicile of her husband if she had not the same domicile before and her domicile during the marriage follows the domicile of her husband :

Provided that if the husband and wife are separated by the order of a competent court or if the husband is undergoing a sentence of transportation, the wife becomes capable of acquiring an independent domicile.

8. Save as otherwise provided above a person cannot during minority acquire a new domicile.

9. An insane person cannot acquire a new domicile in any other way than by his domicile following domicile of another person.

SECTION IV

SUPPLEMENTARY RULES

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SUPPLEMENTARY RULES.

(Made by the Governor General in Council under the Fundamental Rules.)

PART I.—GENERAL.

Division I.—Extent of Application.

S. R. 1. These rules may be called the Supplementary Rules. They apply to those Government servants only who are subject to the fundamental rules, whose pay is debitable to central revenues and who are not under the administrative control of a Governor in Council acting as the agent of the Governor General in Council. Except where it is otherwise expressly stated in the rules, they apply to all Government servants fulfilling these conditions.

NOTE 1.—Government servants under the administrative control of the Governor General in Council, whether paid from Central or Provincial Revenues, will be governed by these rules. Provided that the travelling allowance of Divisional Accountants, whether their pay is debitable to Central or Provincial Revenues, will be governed by the Supplementry Rules framed by the respective Provincial Governments.

NOTE 2.—The travelling allowance of Government servants subject to the Fundamental Rules who are under the administrative control of the Chief Commissioner, Coorg, though their pay is debited to Central Revenues, are regulated under the Coorg Travelling Allowance Rules.

Government of India's orders.—

(1) The proviso to Note 1 above does not apply to Divisional Accountants attached to Telegraph Engineering Divisions. Their Travelling Allowance should be governed by the Supplementary Rules framed by the Governor General in Council.

[G. I., F. D., letter No. D-7619-Ex. I, dated the 5th November 1931.]

(2) The travelling allowance for journeys between India and Burma or Aden should be regulated by the Supplementary Rules.

[G. I., F. D., letter No. F.5(19)-R. I/38, dated the 22nd February 1939.]

(3) The travelling allowance of Government servants for their journeys between India and Ceylon should be regulated by the Supplementary Rules.

[G. I., F. D., endorsement No. F.5(36)-R.I/42, dated the 1st April 1942.]

(4) Ex-employees of the Bengal Telephone Corporation, Ltd., and the Madras Telephone Company Ltd., whose services have been retained by Government for employment in the Telephone Districts on the acquisition of the licensed Telephone Systems at those places with effect from the 1st April 1943, should be governed by Supplementary Rules framed by the Governor General in Council for the purpose of travelling allowance and that ex-employees of the Bombay Telephone Co., Ltd., whose

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services have similarly been retained by Government will be governed by the travelling allowance rules of the old Company, (reproduced as Appendix 22-A in Volume II of this Compilation). All other employees of the Telephone Districts and the Bombay Telephone Workshops whether new entrants or transferred from other offices being initially Government servants should be governed by the Supplementary Rules.

The General Managers of the Telephone Districts at Calcutta, Bombay and Madras will exercise all the powers of the Head of a Circle as far as the travelling allowance rules in Supplementary Rules are concerned.

[F. A. (C's) Endorsement No. S. R. 249-3/44, dated the 28th February 1944.]

Audit Instructions.—

(1) A Government servant's claims to travelling allowance should be regulated by the rules in force at the time the journey, in respect of which they are made was undertaken.

[Para. 1(i), Sec. II of Manual of Audit Instructions (Reprint).]

(2) A Government servant visiting a hill station on recess may draw, for a maximum period of four months out of the total sanctioned duration of his recess in any one financial year, all compensatory allowances admissible to him at his headquarters except conveyance allowances of any kind. The amount of conveyance allowances will be reduced by one-half during every period spent in recess.

[Para. 1(ii), Sec. II of Manual of Audit Instructions (Reprint).]

(3) *See* item (1) of the Audit Instructions below Fundamental Rule 105 in Sec. III of this Volume.

(4) The Governor General in Council has declared that in respect of Divisional Accountants whose travelling allowance is governed by the Supplementary Rules framed by the respective Provincial Governments the officers of the Indian Audit Department shall exercise in regard to the Supplementary Rules of Provincial Governments all the powers which they, in the case of other classes of Government servants, exercise in respect of the Supplementary Rules of the Central Government, where there is no inconsistency between the former and the latter rules.

[Para. 2, Sec. II of Manual of Audit Instructions (Reprint).]

Division II.—Definitions.

S. R. 2. Unless there is something repugnant in the subject or context, the terms defined in this division are used in the rules in the sense here explained :—

(1) ***Actual travelling expenses*** means the actual cost of transporting a Government servant with his servants and personal luggage, including charges for ferry and other tolls and for carriage of camp equipment if necessary. It does not include charges for hotels, travellers' bungalows, refreshments or for the carriage of stores or

conveyances or for presents to coachmen and the like ; or any allowance for such incidental losses or expenses as the breakage of crockery, wear and tear of furniture and the employment of additional servants.

Government of India's decision.—The term ' Servants ' refer to domestic servants.

[G. I., F. D., letter No. F.5(29)-R.I/36, dated the 20th March 1936 to the A. G., C. R, New Delhi.]

(2) ***Apprentice*** means a person deputed for training in a trade or business with a view to employment in Government service, who draws pay at monthly rates from Government during such training but is not employed in or against a substantive vacancy in the cadre of a department.

(3) ***Audit Officer*** means such Audit Officer as the Auditor General may by general or special order designate in each case.

(4) ***Camp equipage*** means the apparatus for moving a camp.

(5) ***Camp equipment*** means tents and the requisites for pitching and furnishing them or, where tents are not carried, such articles of camp furniture as it may be necessary, in the interests of the public service, for a Government servant to take with him on tour.

(6) ***Competent authority,*** in relation to the exercise of any power, means, the Governor General in Council or any authority to which the power is delegated by or under these rules

[*A list of authorities which exercise the powers of a competent authority under the various Supplementary Rules made by the Governor General in Council is given in Appendix No. 13 in Volume II of this Compilation.*]

(7) ***Day*** means a calendar day, beginning and ending at midnight ; but an absence from headquarters which does not exceed twenty-four hours shall be reckoned for all purposes as one day, at whatever hours the absence begins or ends.

(8) ***Family*** means a Government servant's wife, legitimate children and step-children, residing with and wholly dependent upon him. Except in rules 109A, 116, 141A, 155A, 155B and 163, it includes in addition his parents, sisters and minor brothers, if residing with and wholly dependent upon him. Not more than one wife is included in a family for the purpose of these rules.

Government of India's decision.—The Government of India have decided that the term " child " or " children " used in S. R. 2(8) and Rule I(*b*) of the rules relating to the Calcutta, Bombay and Rangoon House Allowance Schemes includes major sons and married daughters so long as they are residing with and wholly dependent on the parent (the Government servant).

[Ar. G's No. 1025-A/344-23, dated the 2nd October 1923.]

Audit Instruction.—The term 'legitimate children' in the Rule does not include adopted children except those adopted under the Hindu Law.

[Para. 3, Sec. II of Manual of Audit Instructions (Reprint).]

(9) ***Finance Department*** means the Finance Department of the Government of India.

(9A) ***Grain compensation allowance*** is a form of compensatory allowance which may be granted to low paid Government servants on account of a temporary and abnormal rise in prices of foodgrains in the locality where they serve.

(10) ***Head of a department*** means any authority which the Governor General in Council may by order declare to be the head of a department for the purposes of these rules.

[*For a list of Heads of Departments, see Appendix No. 14 in Volume II of this Compilation.*]

Government of India's decision.—The authority declared to be the Head of a Department under this rule, is also considered to be the Head of a Department for purposes of Fundamental Rules.

[Government of India, Finance Department u/o No. 5050-E. N/46, dated the 18-9-46, to the Auditor General of India].

(11) ***Hill Station*** means any place which a competent authority may declare to be a hill station.

Government of India's order.—It has been declared that, in respect of territories administered by a Local Government except the North-West Frontier Province, any place, which has been declared by that Local Government to be a hill station for the purposes of their travelling allowance Rules, should be regarded as a hill station for the purposes of the Supplementary Rules also. The undermentioned places have also been declared to be hill stations in the North West Frontier Province, Baluchistan and Rajputana :—

North-West Frontier Province.

(1) Nathiagali.
(2) Dungagali.
(3) Changlagali.
(4) Thandiani.
(5) Cherat.
(6) Fort Lockhart.
(7) Para Chinar.
(8) Razmak.
(9) Sheikh Budin.
(10) Abbottabad.

Baluchistan.

Quetta.

Rajputana.

Mount Abu.

[G. I., F. D., Res. No. F. 5(118)-R.I/34, dated the 6th December 1934.]

(12) *Holiday* means—

(a) a holiday prescribed or notified by or under section 25 of the Negotiable Instruments Act, 1881, and

(b) in relation to any particular office, a day on which such office is ordered, by notification of Government in the Gazette to be closed for the transaction of Government business without reserve or qualification.

(13) *Inferior service* means any kind of service which may be specially classed as such by order of the Governor General in Council and any other kind of service on pay not exceeding Rs. 10.

(14) *Local Administration* means the local Government of any province other than a Governor's province or Burma.

(15) *Probationer* means a Government servant employed on probation in or against a substantive vacancy in the cadre of a department.

(16) *Public conveyance* means a train, steamer or other conveyance which plies regularly for the conveyance of passengers.

(17) *Superior service* means any kind of service which is not inferior.

(18) *Transfer* means the movement of a Government servant from one headquarter station in which he is employed to another such station, either

(a) to take up the duties of a new post, or

(b) in consequence of a change of his headquarters.

Division III.—Medical certificates of fitness on first entry into Government service.

(Rules made by the Governor General in Council under Fundamental Rule 10)

S. R. 3. A medical certificate of fitness for Government service shall be in the following form :—

"I hereby certify that I have examined A. B., a candidate for employment in the Department, and cannot discover that has any disease [1][(communicable or otherwise)], constitutional weakness or bodily infirmity, except . I do not consider this a disqualification for employment in the office of . A. B.'s age is, according to his own statement, years, and by appearance about years."

Government of India's orders.—

(1) When a candidate for appointment in a non-gazetted post is sent for medical examination the examining Medical Officer or Board

[1] [] Inserted by G. I. F. D. Correction No. 545 (S. R.), dated the 1st November 1912

should be asked to obtain on the medical certificate the thumb and finger impressions of the candidate. These last impressions should afterwards be verified by the head of the office with those in the Service Book.

[G. I., C. I. D. No. 5463-183 Dated the 5th January 1909].

(2) While the existing practice, described in item (1) of "Government of India's orders" under this rule, must continue so far as illiterate persons are concerned, in the case of literate persons, who can sign in English, it will be sufficient if the examining Medical Officer or Board is asked to obtain on the medical certificate the signature of the candidate in his or its presence, and if this is afterwards verified by the head of the office by comparison with that in the Service Book.

[G. I., F. D., letter No. F. 67-R.1./28, dated the 19th May 1928].

S. R. 4. Such a certificate shall be signed by a commissioned medical officer of Government, or by a medical officer in charge of a civil station, or, in the case of a candidate for employment on a State railway, by a medical officer of the railway ; provided that—

(1) in the case of a female candidate, a competent authority may accept a certificate signed by any female medical practitioner,

[1](2) in the case of a candidate to be appointed on pay which at the time of his confirmation is not likely to exceed fifty rupees, the appointing authority may accept a certificate signed by a medical graduate or licentiate in Government Medical Service, or failing such, by any other medical graduate or licentiate, and

[2](3) a candidate who is likely to be employed in a temporary capacity continuously for three months or more, shall produce either before, or within a week from the date of his employment, a certificate from the authorised medical attendant ; but, if the latter is doubtful whether or not the candidate is fit for Government service, he shall refer the case to the Civil Surgeon. When, however, a Government servant initially employed in an office in a temporary capacity for less than three months is subsequently retained in that office or is transferred without a break to another office and the total period of continuous service under Government is expected to last for three months or more he shall produce such a certificate within a week from the date of the orders sanctioning his retention in that office or joining the new office.

[3]NOTE.—A certificate signed by the Chief or Principal Officer of an Indian State, who is in possession of any of the qualifications included in the Schedules to the Indian Medical Council Act, 1933 (XXVII of 1933) may be regarded as equivalent to one signed by a Commissioned Medical Officer of Government or by a Medical Officer-in-charge of a Civil Station for the purposes of this rule.

[1] Amended by G. I., F. D., Correction No. 532 (S. R.), dated the 1st January 1942.

[2] Amended by G. I., F. D., Correction No. 561 (S. R.), dated the 1st March 1944.

[3] Inserted by G. I., F. D., Correction No. 428 (S. R.), dated the 1st November 1937.

Government of India's order.—

The Assistant to the Civil Surgeon, Poona, if he is an Officer of the Bombay Medical Service Class I, may issue certificates of physical fitness to candidates for employment in the offices of the Central Government in Poona for the purposes of this rule.

[G. I., F. D., letter No. F. 6 (80)-R, II/37 dated the 7th January 1938.]

Government of India's decisions.—

(1) Certificates granted for the purpose of S. R. 4 by a District Medical Officer of the Mysore State, who is in possession of any of the qualifications included in the Schedule to the Indian Medical Council Act, 1933 (XXVII of 1933), may be accepted.

[F. O. (C)'s endorsement No. E. S. B.-61-7/38, dated the 11th October 1939.]

(2) A Government servant who, on his first appointment in a temporary capacity, obtained a certificate of fitness from his authorised medical attendant and who is subsequently appointed in a permanent vacancy in the same office or elsewhere without a break in his service should at the time of his confirmation, obtain a certificate of fitness from a Civil Surgeon or a Commissioned Medical Officer unless on his first appointment in a temporary capacity he was examined medically by a Civil Surgeon or a Commissioned Medical Officer. This, however, does not apply to persons mentioned in provisos (1) and (2) to Supplementary Rule 4.

[G. I., F. D., endorsement No. F. 44 (16)-Est. V/46, dated the 27th April 1946.]

S. R. 4-A. [1][Except where a competent authority by general or special order directs otherwise], the following classes of Government servants are exempted from producing a medical certificate of health :—

(1) (i) A Government servant appointed by the Secretary of State or the High Commissioner for India.

[2] (ii) A Government servant recruited through a competitive examination who had to undergo medical examination in accordance with the regulations prescribed for appointment to service under Government.

(2) A qualified student of the Thomason College, Roorkee, permanently appointed to the Public Works Department within 18 months from the date of the health certificate granted to him on the completion of the College course.

[3] (3) A Government servant in superior service appointed in a temporary vacancy of less than three months' duration.

[3] (4) A Government servant in inferior service appointed in a temporary vacancy of less than six months' duration.

[1] [] Inserted by G.I., F. D., Correction No. 490 (S. R.) dated the 1st October 1939.

[2] Inserted by G. I., F. D., Correction No. 457 (S. R.), dated the 1st September 1938.

[3] Substituted for old item "(3)—A Government servant whose service is classed as inferior" by G.I., F.D., Correction No. 545 (S. R.), dated the 1st November 1942.

[1](5) A temporary Government servant, who has already been medically examined in one office, if transferred to another office without a break in his service.*

[1](6) A retired Government servant re-employed immediately after retirement.

[2] NOTE 1.—(a) The production of a medical certificate is necessary when—

(1) a Government servant is promoted from non-qualifying service paid from a local fund to a post in superior Government service ;

(2) a person is re-employed after resignation or forfeiture of past service ;

(b) When a person is re-employed in circumstances other than those referred to in clause (a) (2) above, the appointing authority will decide whether a medical certificate should be produced.

NOTE 2.—[3][* * *].

Government of India's Orders.—

(1) The Central Government have decided that before appointments are made to inferior posts in the Departments of the Government of India and their attached and subordinate offices in Simla and Delhi, the prospective appointees should be required to produce a medical certificate in the form prescribed in S. R. 3 from one of the Civil Surgeons at headquarters. This order applies not only to substantive appointments to permanent posts but also to appointments on temporary vacancies likely to last more than six months.

[G. I., F. D., Memorandum No. F. 7(3)-R.I./39, dated the 19th January 1939.]

(2) The Government of India have decided that candidates entering the subordinate services in the Posts and Telegraphs must produce the medical certificate of fitness before undergoing the prescribed training.

[F. A. (C)'s endorsement No. Es. B-2.—I,41, dated the 10th March 1941.]

(3) *See* Government of India's orders below Fundamental Rule 10 in Section III.

Director General's Instructions.—

(1) A health certificate should be obtained from a candidate eligible for permanent appointment, at the time he is to be appointed in a permanent vacancy substantively on probation, or appointed in an officiating capacity in a permanent vacancy in which he is likely to be confirmed or appointed against a temporary vacancy likely to become permanent, there being every prospect of his

* The person concerned should obtain a certificate from the Head of the office from which he is transferred to the effect that he had already produced the requisite medical certificate of health.

[G. I., F. D., endorsement No. F 6 (22)-R.II/42, dated the 19th July 1943.]

[1] Inserted by G. I., F. D., Correction No. 561 (S. R.), dated the 1st March 1944.

[2] Note 1 was revised by G. I., F. D., Correction No. 166 (S. R.) dated the 13th November 1930.

[3] [] Deleted by G. I., F. D., Correction No. 545 (S.R.), dated the 1st November 1942.

remaining in continuous service and being confirmed in due course. If there be any case in which a candidate cannot be appointed in a permanent vacancy substantively (on probation or otherwise) within a period of two years from the date of his producing the health certificate, he will be required to produce a fresh health certificate at the time of such appointment. If, however, an official's attendance has been regular and he has not had to absent himself for reasons of health, and there are no grounds for suspecting his physical fitness, and if the Head of the Circle considers that a second health certificate is not really necessary in his case, the question of exempting him from the production of a fresh health certificate may be referred to the Director General for orders.

[D. G., P. & T's Memo. No. Es. B-61-1/39, dated the 22nd June 1939.]

(2) The outside candidates selected for training in the Electrical Engineer-in-Chief's office for appointment as Engineering Supervisors are required to submit medical certificates of fitness in accordance with rule 10 of the Rules regulating the recruitment and training of candidates for the cadre of Engineering Supervisors notified in the Director General's Special Engineering Circular No. 25, dated the 25th October 1928. No fresh medical certificates of fitness are required to be produced by outside candidates appointed as Engineering Supervisors on probation on completion of this training.

[D. G., P. & T's letter No. S. A.-516-2/30, dated the 27th April 1931 to P. M.G. Burma.]

(NOTE.—The orders should be accepted as general. A. G.'s orders, dated 23rd June 1931, in file C. R.-107-IV.).

PART I-A.--PAY.

Division III-A.—Officiating Pay.

[Rule made by the Governor General in Council under Fundamental Rule 2 and with reference to Fundamental Rule 35]

S. R. 4-B. A Clergyman appointed under the order of the Government to perform the duties of a Chaplain on the regular establishment is entitled a pay of Rs. 125 a month.

PART II.—ADDITIONS TO PAY.

Division IV.—Drawing of compensatory allowances.

[Rules made by the Governor General in Council under Fundamental Rule 44 and 93.]

General. [1]**S.R. 5.** Save as provided by the rules in this Division, a compensatory allowance attached to a post will cease to be drawn by a Government servant when he vacates the post.

[1]**S.R. 6.** In this Division—

Drawal during leave and temporary transfer. [2](a) '*Leave*' means leave taken for a period not exceeding four months, other than leave preparatory to retirement. The title to compensatory allowance will remain intact:—

(i) When the original leave not exceeding four months is not subsequently extended, or, if extended, the total period does not exceed four months, throughout the period ;

[3](ii) When the original or extended leave not exceeding four months referred to in sub-clause (i) is subsequently extended and the total period exceeds four months,—up to the date of expiry of the original or extended leave not exceeding four months or the date of sanction to the first subsequent extension which causes the total period of leave to exceed four months, whichever is earlier.

(b) '*Temporary Transfer*' means a transfer to duty in another station which is expressed to be for a period not exceeding four months. For the purpose of this Division it includes deputation. Subject to the limit of four months, the title to compensatory allowance, if the temporary duty is subsequently extended beyond four months in all, will remain intact up to the date of the orders of extension.

NOTE.—Unless in any case it be otherwise expressly provided in these rules, joining time may be added to the period of four months provided in this rule.

Government of India's decision.—In the case of officers in the Posts and Telegraphs Department the officers whose leave is regulated under the leave rules in the Civil Service Regulations should have their compensatory allowances during leave regulated under Articles 267 and 268, Civil Service Regulations.

[F. Q. (C's) endorsement No. E.S.A.-6/38(80), dated the 13th December 1939.]

Audit Instructions.—

(1) When vacation is combined with leave, the entire period of vacation and leave should be taken as one spell of leave for the purpose of S. R. 6 (*a*).

[Para. 4 (i), Sec. II of Manual of Audit Instructions (Reprint).]

[1]This revised rule has effect from the 1st April 1931.

[2]This clause was revised by G. I., F. D., Correction No. 248 (S.R.), dated the 4th October 1933.

[3]This sub-clause was revised by G. I., F. D., Correction No. 258 (S.R.), dated the 9th December 1933.

(2) 'Leave' as defined in Supplementary Rule 6 (*a*) includes extraordinary leave.

[Para. 4 (ii) Sec. II of Manual of Audit Instructions (Reprint).]

(3) The drawing during leave of the compensatory and house rent allowances sanctioned in the Government of India, Finance Department, Resolution No. D-5067/C.S.R., dated the 10th October 1924, should be regulated by Supplementary Rules 6, 6-B and 6-C.

[Para. 6, Sec. II of Manual of Audit Instructions (Reprint).]

Director General's orders.—All leave and transfer orders issued by the authorities sanctioning leave or transfer of the Posts and Telegraphs staff entitled to draw house rent allowance, etc., should contain in them the necessary certificates required under Supplementary Rules 6 (*a*) and 6 (*b*) for the grant of compensatory allowances (including house rent allowance) to the officials entitled to them. In cases of temporary transfers, the period of such transfer should invariably be mentioned in the transfer orders.

[D. G., P. & T's. letter No. ES. A—6/39 (65), dated the 22nd May 1940 copy received with his letter No. Es. B.-72-10/37/Es.A., dated the 13th September 1940 and the D. G., P. & T's endorsement No. Es.B.-72-10/37-ESA dated the 11th October 1940.]

[1] **S.R. 6-A. A competent authority may sanction the grant of grain compensation allowance, up to a maximum of Rs. 3 a month, to a whole-time Government servant whose pay does not exceed Rs. 30 a month, whenever from temporary causes there is a material rise in prices above the normal in the particular locality in which the servant is employed. A Government servant whose headquarters are stationed within the territories administered by a local Government or Administration which has granted grain compensation allowance to Government servants under its administrative control may draw the allowance on the same terms and conditions as those prescribed by that local Government or Administration.** [2][* *]

The allowance may be drawn—

(a) during leave, if the authority sanctioning the leave certifies that the Government servant is likely, on the expiry of the leave, to be appointed to a post to which a grain compensation allowance is attached ;

(b) during temporary transfer, if

(i) the authority sanctioning the transfer certifies that the Government servant is likely, on the expiry of the temporary duty, to be appointed to a post to which a grain compensation allowance is attached ; and

(ii) the Government servant draws no grain compensation allowance in the post to which he is transferred.

NOTE 1.—A Government servant whose pay exceeds Rs. 30 a month may be granted by a competent authority grain compensation allowance subject to the condition that the total of his pay and grain compensation allowance shall not exceed the total amount admissible to an officer whose pay is Rs. 30.

This revised rule has effect from the 1st April 1931.

[] [2] Deleted by G. I., F. D., corr. No. 518 (S. R.) dated the 1st January 1941.]

NOTE 2.—Overtime payments, fees and pension shall be treated as pay for the purpose of this rule.

NOTE 3.—The allowance is to be determined with reference to the total emoluments drawn in a month and not with reference to the rate at which pay for the month, or any part of it, is drawn.

NOTE 4.—In the case of establishments on tour, the rate of grain compensation allowance should be that sanctioned for the locality in which their headquarters lie.

Audit Instruction.—To obviate all misunderstanding, the authority sanctioning the leave or transfer should invariably embody in the sanctioning orders, in terms of S. R's 6-A, 6-B, 6-C, 6-D, 7 and 7-B, a certificate regarding the likelihood of the Government servant returning to the post or station as the case may be.

[Para. 5, Sec. II of Manual of Audit Instructions (Reprint).]

Auditor General's decisions.—

(1) The Auditor General has decided with the concurrence of the Government of India that a certificate regarding the likelihood of the Government servant returning to the post or station, which is not originally embodied in the original order sanctioning the leave or transfer should not be considered as a valid certificate acceptable to audit except in cases where such an order is revised *before* the Government servant actually hands over charge to proceed on leave or temporary transfer.

[Ar. G's letters No. 15-A/236-34 dated the 17th January 1935 and No. 581-A/211-43, dated the 4th November 1943.]

(2) If an original sanction to leave is in fact given after the event, *i.e.*, after the close of the leave then sanctioned, the certificate regarding likelihood of return, which must logically be in the past tense, would be no less acceptable to Audit on that account. What is wanted by Audit is a written assurance by the competent authority that not later than the time he formally sanctioned the original leave, he then intended to repost the grantee to a qualifying post. The fact that the grantee was so posted on return from leave is logically corroborative but not conclusive evidence of this intention, because the sanctioning authority may have intended otherwise when he first became aware of the fact of absence, but changed his mind before the leave itself ended. Hence the contention that the fact of return to a qualifying post dispenses with the need for a declaration of intention is not correct, nor would Audit be entitled to demur if a sanction not in itself unreasonably delayed does logically contain a certificate worded in the past tense.

[Ar. G's endorsement No. 151-A/40-41, dated the 21st March 1941.]

[1]S.R. 6-B. An allowance granted owing to the expensiveness of living, other than a grain compensation allowance or a house-rent allowance, may be drawn—

(a) during leave, if

(i) the authority sanctioning the leave certifies that the Government servant is likely, on the expiry of the leave to return

[1] This rule has effect from the 1st April 1931.

to duty at the station from which he proceeds on leave or at another station in which he will be entitled to a similar allowance ; and

(ii) the Government servant certifies that he or his family or both reside, for the period for which the allowance is claimed, at any of the stations mentioned in sub-clause (i) above ;

(b) during temporary transfer, if

(i) the authority sanctioning the transfer certifies that the Government servant is likely, on the expiry of the temporary duty, to return to the station from which he is transferred ;

(ii) the Government servant draws no allowance of the same kind in the post to which he is transferred ; and

(iii) the Government servant certifies that he kept his family, for the period for which the allowance is claimed, at the station from which he proceeded on transfer.

NOTE.—The grant of Burma allowance will be regulated by the rules and orders of the Government of Burma for the time being in force regulating the grant of the allowance to its officers on leave or temporary transfer.

Government of India's decision —The question was raised whether a compensatory (including house-rent) allowance attached to a post can be drawn by a Government servant officiating in that post when he proceeds on leave, if it is certified by the authority sanctioning leave that he is likely, on the expiry of the leave, to return to duty at the station from which he proceeds on leave or to another station in which he will be entitled to a similar allowance. At the time of going on leave, a Government servant drawing a compensatory allowance is expected to return on the expiry of his leave, either

(*i*) to the same post from which he proceeds on leave and to which the allowance is attached, or

(*ii*) to another post in the same or another station carrying a similar allowance at the same rate, or

(*iii*) to another post in the same or another station carrying a similar allowance at a reduced or enhanced rate, or

(*iv*) to another post in the same or another station not carrying a similar allowance.

It has been decided by the Governor General in Council that, subject to the fulfilment of the requisite conditions laid down in Supplementary Rules 6-B and 6-C such a Government servant will draw during leave,

(*a*) if his case falls under (*i*) and (*ii*) above, the allowance at the same rate as he was drawing immediately before proceeding on leave,

(*b*) if his case falls under (*iii*) above, the allowance at the same rate at which he was drawing it immediately before proceeding on leave or at the rate admissible for the post to which he is expected to return, whichever is less, and

(*c*) if his case falls under (*iv*) above, no allowance.

This decision will apply uniformly in all cases, irrespective of whether the post to which the allowance is attached is held by the Government servant in a substantive or officiating capacity.

[G.I., F.D. endorsement No. F.2 (18)-Ex. I/42, dated the 27th June 1942.]

Audit Instructions.—*See* item (3) of the Audit Instructions below Supplementary Rule 6 and the Audit Instruction below Supplementary Rule 6-A.

Auditor General's decisions.—*See* Auditor General's decisions below Supplementary Rule 6-A.

[1] **S. R. 6-C. A house rent allowance may be drawn during leave or temporary transfer if—**

(a) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to duty at the station from which he proceeds on leave or is transferred, or at another station in which he will be entitled to a similar allowance; and

(b) the Government servant certifies either

(i) that he or his family or both continued to reside, for the period for which the allowance is claimed, in the station from which he proceeded on leave or was transferred, or

(ii) that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure on rent for which the allowance was granted.

NOTE 1.—(a) When a certificate is given under sub-clause (ii) above, the authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn; and, when a certificate is given under either sub-clause (i) or sub-clause (ii), such authority may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied, direct that no part of the allowance shall be drawn.

(b) For the purposes of this certificate any expenditure on rent which is covered by receipts from a sub-lease shall not be deemed to have been incurred.

NOTE 2.—This rule does not apply to any Government servant admitted to the benefits of the Calcutta, Bombay or Rangoon House Allowance Scheme, in so far as it is inconsistent with the Rules governing the scheme.

NOTE 3.—This rule does not apply when leave is granted to members of the Signalling establishment, Deputy Superintendents and members of the second division of the Superior Traffic Branch, and members of the corresponding [2][Engineering and Wireless Branches]

[1] This rule has effect from the 1st April 1931.

[2][] Substituted for the words 'Engineering Branch' by G.I., F.D. Correction No 195 (S.R.), dated the 17th March 1932.

of the Indian Posts and Telegraphs Department, and State Railway employees. For these classes of Government servants the grant of house-rent allowances during leave shall be regulated by the following principles :—

(1) The head of the office will decide in each case who shall draw the allowances, the only requirement being that no extra expenditure shall be caused to Government.

(2) The absentee will draw the full allowance, when, in the chain of officiating arrangements, no house allowance is given to any Government servant who would not otherwise be in receipt of it.

(3) The absentee will draw nothing if the whole of his allowance is absorbed in the house allowances granted in the chain of arrangements to officiating Government servants.

(4) The absentee will draw the difference between his allowance and that portion of it which is absorbed in the grant of house-rent allowances in the chain of arrangements to officiating Government servants.

(5) The grant of the allowance or of any part of it is in all cases subject to the condition that the absentee continues to incur during leave the whole or a considerable part of the expense on house accommodation. In cases in which a considerable part only of such expense continues to be borne by the absentee it is left to the discretion of the authority sanctioning the leave to decide whether and by how much the allowance admissible under clauses (1), (2) and (4) should be reduced.

NOTE 4.— A Telegraph Master, [1] [a Telegraphist, a Wireless Operator, an Engineering or Electrical or Wireless Supervisor,] a Deputy Superintendent of Traffic, an Officer of the second division of the Superior Traffic Branch, a Deputy Assistant or Assistant Engineer or an Electrician who takes leave and although he desires to continue in occupation of the quarters allotted to him while on duty, is required to vacate them may be permitted to draw compensation in lieu thereof, if Government is not put to extra expense by the concession.

NOTE 5.—(a) In the Posts and Telegraphs Department the head of a Circle is empowered to sanction the grant of house rent in addition to free quarters to members of the Signalling Establishment in cases of temporary transfers for a maximum period of three months generally and for a maximum period of four months in the case of Telegraphists temporarily transferred to Calcutta for training as Baudot Supervisors, irrespective of the actual period of duration of the transfer, subject to the condition that the concession is granted on the following cases only :—

(i) When the accommodation available in the Telegraphists' quarters in the station to which the Government servant is temporarily transferred is less than is admissible to a Government servant of his class under the rules of the Department, and the Government servant concerned is thereby compelled to engage additional quarters ; or

(ii) When a Government servant is temporarily transferred from a station or a post in which he was in receipt of house rent in lieu of quarters, at the rate admissible to a Government servant of his class under the rules of the Department, to a station or a post in which free quarters are provided, in such circumstances that accommodation previously engaged cannot be given up owing to the short period of the transfer. In such a case the amount of house rent that may be granted during the temporary transfer must not exceed the amount drawn by the Government servant concerned prior to the transfer.

(b) When a Government servant is temporarily transferred under clause (a) (ii), he is entitled to draw house rent allowance in lieu of free quarters at the new station in addition to his house rent allowance at the old station ; but the house rent allowance at the new station should be at the rate admissible for a Government servant of his rank without family under the rules of the Department.

[2] NOTE 6.—An officer of the Geological Survey of India, Class I or Class II, who is detailed for field work during the field season, shall, if he proceeds on leave, be entitled to draw during leave the house rent allowance which is admissible for the headquarters officers of the Department, even though he may not have been in receipt of the allowance immediately before proceeding on leave, provided that the officer—

(a) actually engages a house in Calcutta during his leave for the period for which the allowance is claimed ; and

[1] [] Substituted for the words " a Telegraphist, an Engineering or Electrical Supervisor ", by G.I., F.D. Correction No. 195 (S.R.), dated the 17th March 1932.

[2] This note, inserted by G.I., F.D. Correction No. 491 (S.R.) dated the 1st October 1939 has effect from the 1st June 1938.

(b) satisfies the requirements of this rule read as if for the words " continued to reside " in sub-clause (i) and " continued, for the period for which the allowance is claimed. to incur " in sub-clause (ii) of clause (b) the words "resided " and " incurred " respectively were substituted.

Government of India's decisions.—

(1) The Governor General in Council has accorded his approval to the following rules relating to the grant of free quarters during leave to Telegraphists, Telegraph Masters, Wireless Operators, Engineering or Wireless Supervisors, Deputy Superintendents, Traffic, Officers of the Superior Traffic Branch, Second Division, Assistant Engineers and Deputy Assistant Engineers of the Wireless and Engineering Branches, including Assistant Electrical Engineers and Deputy Assistant Electrical Engineers.

(*a*) When a Telegraphist, a Telegraph Master, a Deputy Superintendent Traffic, an officer of the Superior Traffic Branch, Second Division or an officer of corresponding status in the Engineering and Wireless Branches (*vide* Notes 3—5 below S.R. 6-C) who is in occupation of free quarters and is entitled to house rent allowance in lieu proceeds on leave, he should give sufficient notice (ordinarily a six week's notice will be required) if he intends to remain in occupation of the quarters during leave, but he may be required to vacate them to make room for another officer living outside and in receipt of house rent allowance, in which case the former would be entitled to house rent allowance, under the Supplementary Rules. In the absence of such notice he should be considered as desirous of vacating the quarters in which case no house rent allowance would be admissible for the period from the date of vacation of the quarters to the date they are occupied by another officer in receipt of house rent allowance.

(*b*) When any of the above mentioned officers proceeds on leave and desires to continue in occupation of the quarters allotted to him whilst on duty, he may continue to do so up to a period of 4 months, provided that Government is put to no extra expense by the grant of this concession.

(*c*) The quarters left vacant by an officer proceeding on leave should be offered in order of seniority to those actually on duty and who are entitled to them and not to those already on leave on medical certificate or otherwise.

(*d*) The senior most officer, and, failing him, any other officer who is willing to occupy the vacant quarters should be given one calendar month's notice by the Department in order to enable him to serve a similar notice on his landlord, if he is in occupation of private quarters. If the senior most officer refuses to occupy the vacant quarters and no one else volunteers to do so, the former will cease to draw any house rent allowance during the period for which the quarters remain empty but in the event of a volunteer entitled to house accommodation forthcoming, house rent allowance will continue to be payable to him.

(*e*) If an officer proceeding on leave intimates his desire to relinquish his quarters or is required to do so, he is liable to forfeit his claim to the particular quarters on his return to duty.

(*f*) When any quarters become surplus and remain vacant, they may be offered to an officer of the proper class who may be on leave on payment of standard rent at the rate prescribed unless he is entitled to rent free occupation.

[D.G., P.&T's. Memo. No. 1056-Es. A/32, dated the 20th July 1934 and F.A. (C's endorsement No. A.8-34/42, dated the 2nd August 1944.]

NOTE.—The Governor General in council has delegated to the Heads of Circles as a special case, the power to waive the six weeks' notice prescribed in para. (a) above at their discretion in the following cases :—

(1) when an employee has suddenly to proceed on leave on medical certificate and the circumstances of the case show that no such notice could be given,

(2) when before proceeding on leave an officer has been informed by Competent Authority that the quarters have to be vacated by him for occupation by another officer who is entitled to them, and

(3) in cases where the quarters are allotted to a post and the incumbent of that post before proceeding on leave vacates them or makes them over to the relieving officer.

[D.G., P. & T.'s Memos. No. Es. A-4/35/Coll. 43, dated the 19th September 1935, No. Es. A-6/35/Coll. 40, dated the 20th March 1936 and No. Es. A-6/36/Coll. 12, dated the 16th May 1936.]

(2) The Governor General in Council has laid down for future guidance that if a telegraphist, otherwise eligible for rent-free quarters or house rent allowance in lieu, refuses for private reasons to accept the quarters offered to him he will not be entitled to house rent allowance in lieu of quarters for any period during which the quarters may remain empty as a consequence of such refusal. This decision is also applicable in the case of other officers of the Telegraph Traffic Branch and officers of the Engineering and Wireless Branches who are entitled to rent free quarters or house rent allowance in lieu thereof.

[D.G., P. & T's. Memos. No. Es. A-6/34/Coll. 19, dated the 24th January 1935 and 8th May 1935.]

(3) In calculating ' the extra expenditure caused to Government' under Note 3 to this rule in connection with the arrangements made on account of a Government servant proceeding on leave, only the actual extra expenditure in cash or savings in cash that accrue to Government on payment of house rent allowance should be taken into account in order to ascertain the balance available for payment to the absentee and the rental value of the quarters which are occupied free of rent or remain vacant as a result of any officiating arrangement made during the leave of a Government servant should *not* enter into the calculation for the purpose of deciding the figure denoting the actual extra expense to Government.

This decision applies also to the grant of compensation under Note to Supplementary Rule 6-C.

[F.A. (C's) endorsement No. Es. A/6,139(68), dated the 23rd January 1941.]

(4) *See* Government of India's decision below Supplementary Rule 6-B.

Audit Instructions.—*See* item (3) of the Audit Instructions below Supplementary Rule 6 and the Audit Instruction below Supplementary Rule 6-A.

Auditor General's decisions—

(1) *See* Auditor General's decisions below Supplementary Rule 6-A.

(2) The certificate prescribed by clause (*a*) of Supplementary Rule 6-C is unnecessary in the case of the officials of the Indian Posts and Telegraphs Department mentioned in Note 3 to that Rule. The Note makes it clear that the substantive rule is not applicable to such officials.

[Ar. G's letter No. 222-A/140-37, dated the 29th June 1937.]

Director General's Instructions—

(1) The grant of house-rent allowance, at places where it is sanctioned, to the Task-work peons or other inferior servants when absent on leave should be regulated with reference to S.R. 6-C.

[D.G., P. & T. U. O. No. Es. A-6/35 (12), dated the 22nd June 1935.]

(2) Under Note 3 below S.R. 6-C, two conditions must be satisfied *viz.*, (*i*) there should be no extra expense to Government, and (*ii*) the absentee should continue to incur the whole or a considerable part of the expenditure on house accommodation during leave. As it is necessary for the Audit Office to satisfy itself that the conditions mentioned above are fulfilled before passing any house-rent allowance to an officer on leave *up to a maximum of four months*, the following procedure is laid down for observance :—

(*a*) In the case of non-gazetted officials the following certificate should be given in the establishment pay bill :

"Certified that no extra cost has been incurred on account of grant of house-rent allowance to Telegraph Master and Telegraphists / Engineering and Electrical Supervisor on leave for whom house-rent allowance has been drawn in this bill and that they continued to incur the whole or a considerable part of the expense on house accommodation during leave."

If in any case it is intended that the house-rent allowance should be reduced under clause (2) of Note 3 below S.R. 6-C, separate orders should be issued by the authority sanctioning the leave for the information of the Audit Office.

(*b*) With regard to gazetted officers the officiating arrangements are not always confined to one circle and are made partly by the Director General and partly by the Head of the Circle and involve officiating promotions of gazetted and non-gazetted officers in one chain. As in their cases it is not possible for the Head of the Office to give a correct certificate, the Head of the Circle should furnish the Audit

office concerned with a certificate showing the available balance of house-rent allowance and the details of acting arrangements made in place of the absentee. In addition to this a certificate from the officer himself to the effect that he continued to incur the whole or a considerable expense on house accommodation during leave should be furnished with the bill in which the allowance is drawn. If it is intended to reduce the house rent allowance in any case of leave sanctioned by the Head of the Circle or the Director General, intimation should be sent to the Audit Officer.

[D.G., P. & T.'s U. O. No. Es. A-6/35 (12), dated the 22nd June 1935.]

[1]**S. R. 6-D. A portion, not exceeding Rs. 45 of an allowance granted on condition that a motor car or motor cycle is maintained, may be drawn during leave or temporary transfer if—**

(i) the substantive pay of the Government servant during the period of claim does not exceed Rs. 1,500 ;

(ii) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of a motor car or motor cycle, as the case may be, will be advantageous from the point of view of his efficiency ; and

(iii) the Government servant certifies that he continued to maintain the vehicle, that the amount claimed was spent by him on garage hire or wages to staff or both for the period for which the amount is claimed and that the vehicle was not during that period in use by anybody.

NOTE.—The maximum allowance for a motor cycle is limited to Rs. 10.

Audit Instruction.—See Audit Instruction below Supplementary **Rule 6-A.**

Auditor General's decisions.—See Auditor General's decisions below **Supplementary** Rule 6-A.

[1]**S. R. 7. An allowance granted on condition that a horse or other animal is maintained may be drawn during leave or temporary transfer if—**

(i) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary duty, to return to the post from which he proceeds on leave or is transferred, or to be appointed to a post in which the possession of the animal will be advantageous from the point of view of his efficiency ; and

[1]**This rule has effect from the 1st April 1931.**

(ii) the Government servant certifies that he continued to maintain the animal and that he spent the amount claimed on its upkeep during the period for which the claim is submitted.

Audit Instruction.—See Audit Instruction below Supplementary Rule 6-A.

Auditor General's decisions.—*See* Auditor General's decisions below Supplementary Rule 6-A.

[1]**S. R. 7-A.** A conveyance allowance to which the obligation of maintaining a motor vehicle or a horse or other animal is not attached is not admissible during leave or temporary transfer.

[2]**S.R. 7-B.** (1) A compensatory allowance other than an allowance for the regulation of which provision is made in any of the rules 6-A to 7-A and rule 23 may be drawn during leave or temporary transfer if :—

(a) the authority sanctioning the leave or transfer certifies that the Government servant is likely, on the expiry of the leave or temporary transfer, to return to the post to which the allowance is attached or to another post carrying a similar allowance ; and

(b) The Government servant certifies that he continued, for the period for which the allowance is claimed, to incur the whole or a considerable part of the expenditure for which the allowance was granted.

NOTE.—The authority sanctioning the leave or transfer may direct that a part only of the allowance shall be drawn and may require the Government servant to satisfy it that he was unable, or could not reasonably be expected, to avoid the expenditure and may, if it is not so satisfied direct that no part of the allowance shall be drawn.

[3](2) The allowance granted to light keepers for the education of their children may be drawn during leave, irrespective of the length and nature of the leave, if the children in respect of whom the allowance is drawn continue to attend the same school provided that the allowance will not be admissible during leave preparatory to retirement.

Audit Instruction.– *See* Audit Instruction below Supplementary Rule 6-A.

S. R. 7-C. A Government servant on joining time under Fundamental Rule 105 (a), if he is entitled to tentage while holding his old post and tentage is also attached to his new post, may draw tentage during joining time at the lower of the two rates. [4][If the Government servant in his old post drew a compensatory allowance granted on account of specia expensiveness of living, and the transfer is to another post carrying a simi lar allowance, he may draw the compensatory allowance during joinin

[1]This rule was inserted by G. I., F.D. Correction No. 192 (S.R.), dated the 13th January 1932.

[2]This rule has effect from the 1st April 1931.

[3]This sub-rule was inserted by G.I., F.D. Correction No. 200 (S.R.), dated the 14th June 1932.

[4][] As revised by the G.I., F.D. Correction No. 363 (S.R.) dated t he 11th November 1935 with effect from the 1st May 1935.

time under clause (a) or clause (b) (i) of Fundamental Rule 105, provided that if the rates differ in the two posts, he may draw the lower rate only.

S. R. 8. A Government servant of the Persian Section of the Indo-European Telegraph Department may draw house-rent allowance on the conditions specified in rule 6-C for a period of one month after his permanent transfer to another station.

Division V.—[1][Fees.]

[1][Rules made by the Governor General in Council under Fundamental Rules 46-A and 47.]

[2]S. R. 9. Unless the Governor General in Council by special order otherwise directs, no portion of any fee received by a medical officer in Civil employ for services other than professional attendance shall be credited to general revenues.

[3]S. R. 10. Subject to any special orders issued by the Governor General in Council (1) on Indian Medical Service Officers in Civil employ, and (2) other Medical Officers in Civil employ under the rule-making control of the Governor General in Council, may accept fees for services other than professional attendance at the rates shown in Appendix VII (Appendix No 26* in Volume II of this Compilation) subject to the following conditions :—

(1) No work or class of work involving the acceptance of fees may be undertaken on behalf of a private person or body or public body, except with the knowledge and sanction, whether general or special, of a competent authority to be prescribed by the local Government under whom the Medical Officer is serving.

(2) In cases where the fee received by the Medical Officer is divisible between himself and Government, the total amount should first be paid into the Government treasury, the share of the Medical Officer being thereafter drawn on a refund bill in

[1][] As revised by G. I., F.D. Correction No. 387 (S.R.), dated the 11th May 1936.

[2] This rule has effect from the 13th October 1934 and replaces *old* S.R. 9 which has been renumered as S.R. 11.

[3] This rule replacing *old* S.R. 10 (which has been renumbered as S.R. 12) has effect as follows:—

(a) Indian Medical Officers in Civil Employ other than those mentioned in (c) below.....28th September 1934.

(b) Imperial Serologist and his Assistants.....5th February 1935.

(c) Indian Medical Officers at the Central Research Institute, Kasuali..... 1st July 1935.

(d) Other Medical Officers in Civil employ under the rule-making control of the Governor General in Council 18th December 1935.

[Authority-G.I., F.D. Correction No. 387 (S.R.), dated the 11th May1936]

*Not printed.

Civil Account Code form No. 17. In such cases a complete record of the work done and of the fees received should be kept by the Medical Officer.

NOTE.—The above procedure will not apply to fee for examination by a Medical Board for commutation of pension, three-fourth of which will be paid to the Medical Board in cash by the examinee.

(3) For private bacteriological, pathological and analytical work carried out in Government laboratories and in the Chemical Examiner's Department, 40 per cent. of the fees should be credited to Government, the remainder (60 per cent.) being allowed to the Director of the Laboratory or the Chemical Examiner as the case may be, who may divide it with his assistants and subordinates in such manner as he considers equitable, except that in the case of such officers who held the posts in question in a laboratory or a Chemical Examiner's Department on the 28th September 1934 or any subsequent date on which these orders were made applicable to that institution, the share of the fees to be credited to Government should be 25 per cent. for so long as they remain in those posts. No payment should, however, be made to officers from the sale proceeds of those vaccines which are used on a large scale for prophylactic purposes for example, T. A. B., Cholera, Influenza and Plague vaccines.

(4) The rates shown in Appendix VII (Appendix No. 26* in Volume II of this Compilation) are maxima which a Medical Officer will be free to reduce or remit if he is entitled to appropriate them himself. In cases where the fee is divisible between the Medical Officer and Government, the former may charge lower rates in special cases where he considers it necessary either owing to the pecuniary circumstances of the patient or for some other reason of public interest and the share of Government will be calculated on the basis of the fee actually realised instead of the scheduled fee, provided that the approval of the local Government concerned is obtained by a general or special order in this behalf.

[1]**S. R. 11.** No Government servant may undertake work for an Indian State or a private or public body or a private person, or accept a fee therefor without the sanction of the competent authority who, unless the Government servant is on leave shall certify that the work can be undertaken without detriment to his official duties and responsibilities.

Government of India's decision.—*See* Government of India's decision below Fundamental Rule 9 (8) in Section III of this Compilation.

*Not printed.

[1]This revised rule was substituted for *qld* S.R. 9 by G.I., F.D. Correction No. 302 (S.R.), dated the 13th October 1934 and subsequently renumbered as (S.R.) 10 and 11 respectively by G.I., F.D., Corrections Nos. 345 (S.R.), dated the 10th August 1935 and 387 (S.R.), dated the 11th May 1936.

[1]**S. R. 12. Unless the Governor General in Council by special order otherwise directs, one-third of any fee in excess of Rs. 50 or, if a recurring fee of Rs. 50 a year paid to a Government servant shall be credited to general revenues.**

NOTE.—The above rule does not apply to fees received by Government Servants from a University or other examining body in return for their services as examiners.

Government of India's Order.—Fees received by Government servants for giving expert evidence on technical matters before a court of law (as was admissible under Supplementary Rule 16) should also be governed by the provisions of (old) Supplementary Rule 11 (New S. R.12).

[G.I., F.D., Memorandum No. F. I/III/Ex. II/35, dated the 21st February 1936.]

Government of India's decision.—*See* Government of India's decision below F. R. 9(8) in Section III of this Compilation.

Audit Instruction.—If any fee to which this Rule applies, exceeds Rs. 50 non-recurring or Rs. 50 a year recurring, one-third of the total amount payable should be credited to general revenues, provided that the amount retained by the Government servant concerned will not, merely owing to the operation of this Rule, be reduced below Rs. 50 if non-recurring or Rs. 50 a year if recurring.

Non-recurring and recurring fees should be dealt with separately and should not be added, for the purpose of crediting one-third to general revenues under this Rule. In the case of the former the limit of Rs. 50 prescribed in this Rule should be applied in each individual case, and in the case of the latter the limit should be applied with reference to the total recurring fees for the *financial year.*

[Para. 7, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 13. *cancelled.*

S. R. 14. *cancelled.*

S. R. 15. *cancelled.*

S. R. 16. *cancelled.*

[1]This revised rule was substituted for *old* S. R. 10 by G. I., F.D. Correction No. 302 (S.R.), dated the 13th October 1934 and subsequently renumbered as S.R. 11 and 12 respectively by G.I., F.D. Corrections Nos. 345 (S.R.), dated the 10th August 1935 and 387 (S.R.) dated the 11th May 1936.

Division VI.—Travelling allowances.

[Rules made by the Governor General in Council under Fundamental Rule 44.]

CHAPTER I.—GRADES OF GOVERNMENT SERVANTS.

SECTION I.—DISTRIBUTION INTO GRADES.

S.R. 17. For the purpose of calculating travelling allowance, Government servants are divided into four grades as follows :— General rule.

(a) The first grade includes officers of the services included in the accompanying schedule and all other officers of Government in receipt of actual pay exceeding Rs. 750.

The Schedule.

(1) Indian Civil Service.

(2) Indian Police [1][**].

[2](3) Indian Forest Service and Officers-in-charge of the technical sections at the Forest Research Institute and College, Dehra-Dun.

(4) Indian Educational Service.

[2](5) Indian Agricultu ral Service, [3] [* * *].

[4](6) Indian Service of Engineers.

(7) The Indian Veterinary Service.

(8) Indian Medical Service.

(9) Imperial Customs Service.

(10) Indian Audit and Accounts Service (Civil and Military).

[4](11) Survey of India (Class I).

[4](12) Geological Survey of India (Class I).

[5](13) The Superior Telegraph Engineering and Wireless Branches of the Indian Posts and Telegraphs Department.

(14) The Superior Revenue Establishment of State Railways.

[6](15) Mint Department (Class I) except the Chief Assayer.

[4](16) The Archaeological Department (Class I).

[4](17) The Zoological Survey of India (Class I).

(18) Indian Forest Engineering Service.

[1][] Deleted with effect from the 28th February 1933.

[2]Revised by G.I., F.D. Correction No. 276 (S.R.), dated the 18th April 1934.

[3][] Deleted with effect from the 11th May 1938.

[4]As revised by G.I., F.D. Correction No. 388 (S.R.), dated the 10th June 1936.

[5]Revised by G.I., F.D. Correction No. 202 (S.R.), dated the 14th June 1932.

[6]As revised by G.I., F.D. Correction No. 415 (S.R.), dated the 8th April 1937.

[1](19) Indian Ecclesiastical Establishment.

(20) Officers holding the King's Commission whose travelling allowance is regulated under civil rules.

(21) Indian Meteorological Service [2][Class I].

[3](22) The Indian Stores Department (Class I).

[3](23) Political Department of the Government of India.

(b) The second grade includes all Government servants in receipt of actual pay exceeding Rs. 200 (or, in the case of those on revised rates of pay, Rs. 175) but not exceeding Rs. 750.

(c) The third grade includes all other Government servants in superior service, except police constables and forest guards.

(d) The fourth grade includes police constables, forest guards and all Government servants in inferior service.

[4]NOTE.—The words "Police Constables" used in clauses (c) and (d) of this rule do not include head Constables.

Government of India's decisions.—

(1) The revised rules promulgated with the Finance Department Resolution No. 854-C. S. R., dated the 29th May 1923, apply not only to Government servants who are subject to the Fundamental Rules but to all whose travelling allowances are regulated under civil rules.

[G.I., F.D., No. 1169-C.S.R., dated the 10th July 1923.]

(2) The expression "actual pay" in Supplementary Rule 17 includes all emoluments drawn under Fundamental Rule 9 (21) (*a*) (*i*), (*ii*) and (*iii*).

[G.I., F.D. No. 1213-C.S.R., dated the 18th July 1923.]

(3) The travelling allowance of an officer, who is promoted or reverted with retrospective effect, should not be revised in respect of the period intervening between the date of promotion or reversion and that on which it is notified except when the notification implies a change of duties. In the case of all bills audited before the notification appears, the Audit Office should be guided by the facts known officially at the time, but in the case of travelling allowance bills not presented or audited before the promotion is gazetted there is no objection to the Audit Officer recognising the retrospective effect of the notification.

[G.I., F.D. No. 968-E.B., dated the 19th July 1915, and D.G. Cir. Tr. No. 13, dated 1st September 1915.—*vide* page 101 of P. & T. Supplement to C.S.R.]

(4) The Government of India have decided that for purposes of travelling allowance the classification of an officiating Government servant

[1]As revised by G.I., F.D. Correction No. 333 (S.R.), dated the 10th June 1935.

[2][] Inserted by G.I., F.D. Correction No. 211 (S.R.), dated the 12th July 1934.

[3] As revised by G.I., F.D. Correction No. 383 (S.R.) dated the 10th June 1936.

[4]As revised by G.I., F.D. Resolution No. F.(5)-R.1/35, dated the 25th April 1935, with effect from the 1st May 1935.

[5]Inserted by G.I., F.D. Correction No. 346 (S.R), dated the 10th August 1935.

who has no substantive appointment under Government should be regulated by his pay.

[Ar. G's. No. 655-A/143-23, dated the 19th May 1923.]

(5) When an officer who has a substantive appointment officiates in another appointment, his officiating appointment alone is taken into account in determining the rates of travelling allowance admissible to him.

[G.I., F.D. No. 7279, dated the 24th December 1885—Bombay—*vide* page 101 of P. & T. Supplement to C.S.R.]

(6) A question having arisen whether the so-called special pay granted to the staff of some of the Departments of the Government of India and their attached offices detailed for night duty should be deemed to be covered by the expression " actual pay " occurring in Supplementary Rule 17, the Governor General in Council has decided, in consultation with the Auditor General of India, that the remuneration when drawn for the nights of duty only and not on a monthly basis, is of the nature of honorarium and not of pay as defined in Fundamental Rule 9 (21). Such allowances should, therefore, be ignored in calculating " actual pay " for the purpose of Supplementary Rule 17.

In the case, however, of persons appointed as resident clerks in certain Departments of the Government of India Secretariat and some of its attached offices from a date prior to 8th November 1940, the remuneration (night duty allowance) formerly classed as " special pay " but now classed as " honorarium " will be " Pay " for the purpose of F. R. 9 (21), " actual pay " for the purpose of S.R. 17, or " Duty allowance " under Article 23-C, Civil Service Regulations in order to safeguard the interests of such persons in the matter of leave-salary, T. A. and pensions.

[G.I., F.D. endorsements No. F.12 (25)-R.I/40, dated the 8th November 1940 and No. F.12 (15)-R.I/42, dated the 1st May 1942.]

(7) *See* item (4) of the Government of India's orders below S. R. 1.

Audit Instruction.—See Audit Instruction (1) below F. R. 44.

S. R. 18. A competent authority may, for reasons which should be recorded, order that any Government servant or class of Government servants shall be included in a grade higher or lower than that prescribed in rule 17.

Special concessions.

[*For a list of officers who have been specially classed as officers of the first or second grade, see Appendix No. 15 in Volume II of this Compilation.*]

Government of India's orders—

(1) Extra-Departmental Sub and Branch Postmasters should be classed as officers of the 3rd grade for the purpose of travelling allowance rules.

[G.I., I.L.D. No. 7-P.T., dated the 3rd December 1925 and D.G., P. and T's Memo. No. 361-Est. A/31, dated the 8th October 1931.]

[Extra-departmental delivering agents or extraneous mail carriers of the Post Office are included in the fourth grade for the same purpose. G.I., I. and L.D. letter No. 670 Est. A/29, dated the 16th May 1930.]

(2) All lady clerks employed in the Government of India Secretariat or attached or subordinate offices in Simla or Delhi, or in the Central Office, Public Works Department, Delhi, who are third class officers for purposes of travelling allowance, under Simla Allowances Code or the Supplementary Rules, shall be treated as second class officers for all authorised journeys on duty, whether intermediate class accommodation is available or not on the railway by which they travel.

The same privilege is extended to lady clerks in respect of journeys performed by them to join their first appointments in any of these offices.

[G.I., H.D. No. F-281/26-Ests., dated the 18th February 1927.]

(3) Military telegraphists and military operators will be allowed travelling allowance as for second grade officials.

[F.A., P. & T.'s endt. No. 1333-Est. A/29, dated the 11th July 1932.]

(4) Superintendents of Post Offices and of Railway Mail Services (including Assistant Postmasters General and Assistant Director of Posts and Telegraphs) who held permanent posts in the Superintendents' cadre and drew the old scale of pay, namely, Rs. 300—20—600—25—750 on the 1st January 1932, or were probationary superintendents of Post Offices on that date, shall be treated as officers of the first grade for journeys by road, rail or steamer. These orders will not have the effect of enhancing the rates at which daily allowance will be drawn by these officers. The daily allowance will remain subject to existing conditions and the minimum of Rs. 4 per diem.

(These orders take effect from the 1st August 1936.)

[F.O., P. & T. Endorsement No. S. 249/34, dated the 8th July 1936.]

Government servants in transit from one post to another

S. R. 19. A Government servant in transit from one post to another ranks in the grade to which the lower of the two posts would entitle him.

Part-time Government servants, etc.

S. R. 20. A Government servant whose whole time is not retained for the public service, or who is remunerated wholly or partly by fees, ranks in such grade as a competent authority may, with due regard to the Government servant's status declare.

CHAPTER II.—THE DIFFERENT KINDS OF TRAVELLING ALLOWANCE.

SECTION II.—GENERAL.

General rule.

S. R. 21. The following are the different kinds of travelling allowances which may be drawn in different circumstances by Government servants :—

(a) Permanent travelling allowance.

(b) Conveyance or horse allowance.

(c) Mileage allowance.

(d) Daily allowance.

(e) The actual cost of travelling.

The rules in this chapter explain the nature of these allowances and the method of calculating them. The circumstances in which they may be drawn for particular journeys are described in Chapters III to V.

Government of India's orders.—In respect of journey performed from their headquarters by military telegraphists and military operators on duties connected with the Posts and Telegraphs Department they will be granted travelling allowance at the rates admissible to civil operators and telegraphists.

[F.A., P. & T.'s endt. No. 1333-Est. A/29, dated the 11th July 1932.]

SECTION III.—PERMANENT TRAVELLING ALLOWANCE.

Condition of grant.

S. R. 22. A permanent monthly travelling allowance may be granted by a competent authority to any Government servant whose duties require him to travel extensively. Such an allowance is granted in lieu of all other forms of travelling allowance for journeys within the government servant's sphere of duty and is drawn all the year round, whether the Government servant is absent from his headquarters or not.

NOTE—Appendix 16 in Volume II of this Compilation contains the list of permanent travelling allowances sanctioned by the Governor General in Council in the case of certain Government servants.

When inadmissible.

[1]**S. R. 23. A permanent travelling allowance may not be drawn during leave, temporary transfer, or joining time or, unless in any case it be otherwise expressly provided in these rules during any period for which travelling allowance of any other kind is drawn.**

Combination of posts.

S. R. 24. When a Government servant holds, either substantively or in an officiating capacity, two or more posts to each of which a permanent travelling allowance is attached, he may be granted such permanent travelling allowance, not exceeding the total of all the allowances, as a competent authority may consider to be necessary in order to cover the travelling expenses which he has to incur.

SECTION IV.—CONVEYANCE AND HORSE ALLOWANCE.

Conditions of grant.

S. R. 25. A competent authority may grant, on such conditions as it thinks fit to impose, a monthly conveyance or horse allowance to any Government servant who is required to travel extensively at or within a short distance from his headquarters under conditions which do not render him eligible for daily allowance.

[*For a list of conveyance allowances, see* Appendix 17 in Volume II his Compilation.*]

When drawn.

S. R. 26. Except as otherwise provided in these rules and unless the authority sanctioning it otherwise direct, a conveyance or horse allowance is drawn all the year round, is not forfeited during absence from headquarters and may be drawn in addition to any other travelling allowance

[1]This revised rule has effect from the 5th July 1928.

*Not printed but see Appendix 26 to the C. S. Rs.

admissible under these rules ; provided that a Government servant, who is in receipt of a conveyance allowance specifically granted for the up-keep of a motor-car or motor-cycle, shall not draw mileage or daily allowance for a journey by the motor-car or motor-cycle except on such conditions as the authority which sanctions the conveyance allowance may prescribe.

Government of India's order.—The travelling allowance of officers of the Indian Posts and Telegraphs Department who are in receipt of a conveyance allowance, shall be regulated as follows :—

(i) For journeys within a radius of 5 miles of their headquarters no travelling allowance except the fixed conveyance allowance attached to their respective posts will be admissible.

(ii) For journeys beyond a radius of 5 miles from their headquarters (a) if performed by railway or steamer, conveyance allowance may be drawn in addition to the travelling allowance [daily allowance or railway (including steamer) mileage] that may be admissible, (b) if by road, only the conveyance allowance will be admissible but the officer may at his option exchange it (at the rate of 1/30th for each day) for any travelling allowance (daily allowance or road mileage) that may be admissible to him under the rules, and (c) if partly by rail or steamer and partly by road, conveyance allowance may be drawn in addition to the travelling allowance [daily allowance or railway (including steamer) mileage] but the officer may at his option draw railway (including steamer) mileage and exchange the conveyance allowance (at the rate of 1/30th for each day) for road mileage or daily allowance that may be admissible to him under the rules.

(This order takes effect from 1st May 1933.)

[F.A., P. & T's Endorsements No. 1497-S.B./31, dated the 16th May 1933 and No. S. 247/11, dated the 1st August 1933.]

During leave and joining time.

S. R. 27. A conveyance or horse allowance may not be drawn during joining time. Its drawal during leave [1][or temporary transfer] is governed by rules 6-D, 7 and 7-A.

Railway subordinates.

S. R. 28. An Agent of a State Railway may grant a conveyance or horse allowance to a subordinate on an open line of railway in cases where the use of a trolly is, in his opinion, a source of danger or inconvenience, whether with reference to the physical features of the line or to the passage of public trains. The allowance, which should not exceed Rs. 50 for a Government servant who ranks with upper subordinates and Rs. 30 for a Government servant who ranks with lower subordinates, should be given on condition that the Government servant shall on no account be allowed the use of a trolly on the length of railway in question and shall draw no other travelling allowance while in receipt of the conveyance or horse allowance.

SECTION V.—MILEAGE ALLOWANCE.

SUB-SECTION (I).—GENERAL.

Definition.

S. R. 29. A mileage allowance is an allowance calculated on the distance travelled which is given to meet the cost of a particular journey.

Principles of calculation.

S. R. 30. (a) For the purpose of calculating mileage allowance, a journey between two places is held to have been performed by the shortest of two or more practicable routes or by the cheapest of such routes as may be equally short; provided that, when there are alternative railway routes and the difference between them in point of time and cost is not great, mileage allowance should be calculated on the route actually used.

(b) The shortest route is that by which the traveller can most speedily reach his destination by the ordinary modes of travelling. In case of doubt, a competent authority may decide which shall be regarded as the shortest of two or more routes.

(c) If a Government servant travels by a route which is not the shortest but is cheaper than the shortest, his mileage allowance should be calculated on the route actually used.

Auditor General's decision.—In respect of a journey made by road between Kalka and Simla for which railway fare was claimed, though it was more than the road mileage, a question was raised as to the correct mileage to be allowed in such cases. It has been decided by the Auditor General that Clause (c) of Supplementary Rule 30 refers to different ' routes ' and not different ' modes ' of travelling by the same route. A journey performed between Kalka and Simla by motor car and a journey performed between these stations by railway cannot be held to have been performed by different ' routes '; according to the intention of the rules, they should be treated as journeys by the same route performed by different modes of travelling. Supplementary Rule 30 (c) does not therefore come in, and under Supplementary Rule 30 (a) and (b) the journey should be held to have been performed by the shortest route by the *ordinary mode* of travelling (which is by railway in the case of stations like Kalka and Simla which are connected by railway). This view is consistent with the principle of note 6 to Rule 7 of the Simla Allowances Code and has been accepted by the Government of India, Finance Department.

[Ar. G's U.O.I. No. 427-A/246-37, dated the 14th December 1937.]

Director General's Instructions.—The Director General, Posts and Telegraphs, acting under Supplementary Rule 30 (b) is pleased to declare with effect from 1st March 1930 the new route *via* Bhatta as the shortest route between Dehra Dun and Mussoorie for journeys actually performed by that route in the interests of the public service.

[D.G's No. 955-Est. A/29, dated the 1st March 1930.]

Special concessions.

S. R. 31. A competent authority may, for special reasons which should be recorded, permit mileage allowance to be calculated on a route other than the shortest or cheapest, provided that the journey is actually performed by such route.

Government of India's orders—

(1) The Governor General in Council is pleased to accord general permission, under Supplementary Rule 31, to officers paid from Central Revenues who are not serving under agency conditions, to use the land route when required to travel between Bombay and Karachi during the monsoon as the land route then is more convenient. This concession will be admissible every year from the 15th May to the 8th October which is generally considered as the monsoon period.

[G.I., F.D. Res. No. 2283-C.S.R., dated the 20th December 1923.]

(2) When road mileage is claimed for **a journey performed by motor car between places connected by railway,** the Local Government should decide whether the full rate of travelling allowance should be passed in such a case, or whether it should be limited to what would have been admissible had the officer travelled by rail in the ordinary way. The principle which should be followed in deciding such questions is whether any public interest was served by the road journey which would not have been served had the officer travelled by rail, such as the saving of public time, or inspection work *en route*, etc.

In respect of Ajmer-Merwara, however, when a journey on tour between places connected by rail is actually performed by a Government servant, other than an officer under the rule-making control of the Secretary of State, by taking a single seat in a taxi, motor omnibus or motor lorry plying for hire, he shall be eligible to draw road mileage admissible under item (1) of the Government of India's orders below Supplementary Rule 46.

[G.I., F.D. No. 7278-P., dated the 9th December 1907 and G.I., F.D. U.O. No. 1465-R. I/11, dated the 16th August 1911.]

Government of India's decision.—For the purpose of this rule, the absence in a train of the class of accommodation to which a Government servant is entitled under S.R. 34 may be taken as a special reason for allowing mileage allowance by road, and consequently the competent authority may on such occasions grant to an officer travelling by road road-mileage limited to the amount which would have been admissible had the journey been performed by rail by the class of accommodation to which he is ordinarily entitled. When the fare of the requisite class for the journey in question is not specifically published, it should be calculated according to the appropriate data in the Time and Fare Table.

[G.I., F.D. letter No. F5 (96) R. I/35, dated the 10th October 1935.]

Audit Instruction.—The sanction of the Government of India is not required to the claim for road mileage by the Head of a Department for a journey performed by road between places connected by railway. The signature of the Head of the Department on the travelling allowance bill will be sufficient for the purpose of Supplementary Rule 31, provided that the travelling allowance bill is accompanied by a statement specifying clearly the public interest served by a journey by road which would not

have been served had the journey been made by railway. It will be open to the audit officer to refer to the Government of India any case in which he considers that the concession has been abused.

[Para. 8, Sec. II of Manual of Audit Instructions (Reprint).]

uditor General's decision.—The question was referred to the Auditor General whether the Director General, Posts and Telegraphs, still exercises the powers given to him by the Government of India, Finance Department, No. 7278-P., dated 9th December 1907, to grant the full rate of travelling allowance for journeys performed by motor car between stations connected by railway. It was decided by the Auditor General that under S.R. 31 read with Serial No. 13 of Appendix 13 in Volume II of this Compilation and item 30 of Government of India, Finance Department, Resolution No. 336-C.S.R., dated 25th April 1922 (Appendix 14 *ibid.*), the Director General, Posts and Telegraphs, as Head of a Department, has full power to allow mileage in cases of journeys by motor car between places connected by railway provided the selection of such a route is in the interests of Government.

[Ar. G's letter No. 137-Code/K.W.-122, Reforms-21, dated the 7th May 1923.]

Director General's orders.—

(1) The Posts and Telegraphs officials may use the land route for journeys between Chiplun or Rajapur and Ratnagiri and draw travelling allowance by that route.

[D.G., P. & T's No. 652-Est. A/29, dated the 27th September 1929.]

(2) Gazetted Officers of the Indian Posts and Telegraphs Department are permitted to use the land route for journeys, on duty between Ernakulam and Quilon. Their travelling allowance by that route should, with effect from the 1st January 1934, be regulated under Supplementary Rules 46 and 51.

[D.G., P. & T's No. S-249/35, dated the 23rd November 1933 and 14th February 1934.]

(3) Posts and Telegraphs officials may use the shortest available road route for journeys on duty between Delhi and New Delhi and draw travelling allowance by that route.

[D.G., P. & T Memo. No. S-249/22, dated the 21st July 1934.]

(4) (i) The officials of the Posts and Telegraphs Department may use the land route when required to travel to and from places in the Kanara, Ratnagiri, Kolaba and Thana Districts during the monsoon period, i.e., from the 15th May to the 8th October.

(ii) The Posts and Telegraphs officials transferred between places in Belgaum and Dharwar Districts on the one hand and places in Ratnagiri District on the other may convey their personal effects, tents, conveyances and servant by the land route at all times of the year.

[D G., P. & T's letters No. S.A.-367-16/32, dated the 10th September 1932 and 26th September 1932.]

(5) Non-gazetted officers of the Posts and Telegraphs Department should ordinarily be required to travel by the steamer or motor launches plying for hire in the Backwaters of Cochin and Travancore and be granted

the road mileage admissible under the rules, the distance being calculated with reference to the mileage performed by the water route and not on the basis of the mileage of the land route.

The cases of the non-gazetted officers (including peons) accompanying gazetted officers on tour should also be settled in the same manner but, in special cases, Heads of Circles may permit them to use the land route and may settle claims for road mileage in accordance with the delegation indicated in Serial No. 13 of Appendix 13 in Volume II of this Compilation.

[D.G., P. & T. Memorandum No. S-249/33/35, dated the 14th May 1936.]

(6) The officials of the Indian Posts and Telegraphs Department may use the route *via* Sarai Alamgir, for journeys on duty between Gujrat and Rasul and draw travelling allowance by that route.

[D.G., P. & T's endorsement No. S-249/10/39, dated the 20th March 1940.]

Director General's Instructions—

(1) In cases where the Director General is the competent authority for the officer concerned under serial 13 of Appendix 13 to the Posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II, the issue of the Director General's formal sanction is necessary for road mileage drawn for journeys by motor car between places connected by railway. In all cases, in which such journeys have to be undertaken, brief particulars of the public service on account of which the charge has been unavoidably incurred should be given in the travelling allowance bills before they are submitted to the Director General for countersignature.

[D.G's memorandum No. S-250/72/38, dated the 7th March 1939.]

(2) The Director General's sanction is not necessary under S.R. 31, for road mileage drawn for journeys between places connected by railway when the train service between those places ceases on account of floods or strikes, as the places cannot, for the time being, be regarded as 'connected by railway'.

[D.G. P. & T's letter No. 678-Staff-B./28/Est. A., dated the 30th May 1929.]

Point of commencement and end of journey

S. R. 32. The point in any station at which a journey is held to commence or end is the chief public office or such other point as may be fixed for the purpose by a competent authority.

[1]NOTE.—A journey on transfer begins and ends at the actual residence of the Government servant concerned.

Government of India's orders—

(1) (*a*) For the purpose of this rule, the principal post office in any station should be considered as the chief public office and consequently as the fixed point, in respect of the commencement and end of the journeys of all officers of the Indian Posts and Telegraphs Department.

[G.I., I. & L.D. No. 67-P.T.E., dated the 4th July 1928.]

(*b*) The expression 'principal post office in any station' used in the preceding paragraph should be taken to mean any post office whether head, sub or branch situated within the same station and if there are more

[1]Inserted by G. I. F. D. correction No. 305 (S. R.) dated the 18th Dec. 1934.

than one post office in that station, the principal one. If in any case the distance between the post office and the office to which the official concerned belongs is more than five miles they should be considered to be in different stations. In such cases the office itself should be taken to be the fixed point.

[G.I., I. & L.D. letter No. 67-P.T.E., dated the 14th January 1929.]

Exception.—As an exception to clauses (a) and (b) of this order, the Governor General in Council has decided that the Civil Lines Post Offices, Delhi, should be considered as the chief public office and consequently as the fixed point in respect of the commencement and end of the journeys of all Officers of the Indian Posts and Telegraphs Department who are attached to the offices situated in the old Secretariat building, Civil Lines, Delhi.

[F.O., P. & T's No. S-249/9, dated the 22nd June 1937.]

(2) For the purposes of the orders contained in the "Government of India's orders" quoted above it has been decided that Delhi and New Delhi should be considered to be different stations.

[F.A., P. & T's letter No. 713-Est. A/31, dated the 5th May 1932.]

[1]**S. R. 32-A. A Government servant is required to travel by the class of accommodation for which travelling allowance is admissible to him. The provisions of all rules regulating mileage allowance contained in Division VI of these rules are subject to the condition that if a Government servant travels in a lower class of accommodation, he shall be entitled to the fare of the class of accommodation actually used *plus* the extra fare or fares admissible for the journeys of the class by which he is entitled to travel. In cases, however, in which the controlling officer is satisfied that there were sufficient reasons for the Government servant having travelled by the lower class, he may allow the full travelling allowance admissible for the higher class.**

Audit Instruction.—The intention underlying Supplementary Rules 32-A and 195(*c*) is to allocate to the Controlling Officer, and not to the Audit Officer, the duty of seeing that the Government servant draws mileage allowance in accordance with S.R. 32-A. The duty of reducing the travelling allowance with reference to the fare of the class of accommodation actually used by the Government servant being imposed on the Controlling Officer, Audit need not concern itself in the matter unless to point out to such authority any case of the kind which happens to come to its notice but which does not appear already to have come to the notice of the Controlling authority.

[Para. 9., Sec. II of Manual of Audit Instructions (Reprint).].

S. R. 33. Mileage allowance is differently calculated, as shown in the following rules, according as the journey is, or could be, made by railway, by sea or river steamer or by road. Different rates for different classes of journey.]

[1]This new rule has effect from the 1st February 1935.

SUB-SECTION (II).—MILEAGE ALLOWANCES FOR JOURNEYS BY RAILWAY.

Classes of accommodation for which Government servants are considered to be eligible.

S.R. 34. For the purpose of calculating mileage allowance, Government servants when travelling by railway are considered to be entitled to class accommodation according to the following scale :—

(a) *A Government servant of the first grade.*—Accommodation of the highest class, by whatever name it may be called, provided on the railway by which he travels.

(b) *A Government servant of the second grade.*—Second or, if the line by which he travels provides no second class accommodation on any train, highest class.

(c) *A Government servant of the third grade*—

(i) If travelling on the Darjeeling-Himalayan Railway except the Siliguri-Kissenganj extension, third class.

(ii) If travelling on any other railway which provides no intermediate class accommodation on any of the trains which stop at the stations to and from which he is travelling, including the Siliguri-Kissenganj extension :—

(1) where there are two classes only, lower class, and

(2) where there are three classes, second class if his pay is not less than Rs. 100 and third class if it is less than Rs. 100.

(iii) If travelling on any railway which provides intermediate class accommodation on trains which stop at the stations to and from which he is travelling : intermediate class.

(d) *A Government servant of the fourth grade.*—The lowest class whether it be called lower, third or fourth.

[1]NOTE—When only one class of accommodation is provided on a railway or on all trains running between certain stations on a railway, mileage allowance is calculated as follows on the basis of the appropriate data in the Railway Time and Fare Tables :—

Government servant of the first grade . . .	First class.
Government servant of the second grade . .	Second class.
Government servant of the third or fourth grade .	Third class.

Government of India's orders.—Stenographer-camp clerks to administrative officers in the various circles in the Indian Posts and Telegraphs Department whose pay is less than Rs. 100 a month should, when travelling by rail, be allowed second class accommodation on trains in which intermediate class accommodation is not available. The reason for the grant of this concession is that stenographer-camp clerks actually accompany on tour the officers to whom they are attached and cannot be really useful to the latter if they have to travel third class by trains other than those in which the officers travel.

[G.I., F.D., Memo. No. 67-P.T.E. dated the 8th September 1927.]

[1]This note was inserted by G.I., F.D. Correction No. 353 (S.R.), dated the 10th October 1935.

Government of India's decision.—S.R. 34(c) (*ii*) applies only to those Government servants who actually travel by rail and not to those who travel by other methods of conveyance but are entitled to have their mileage calculated as if they had travelled by rail. When journey is performed by other means of conveyance, the mileage allowance if admissible should be calculated as if the Government servants concerned were entitled to fares of the intermediate class.

[G.I., F.D. No. F. 5(47)-R. I/38, dated the 16th May 1938.]

S. R. 35. A competent authority may, for special reasons which should be recorded, declare any particular Government servant or class of Government servants to be entitled to accommodation of a higher class than that prescribed for his grade in clause (b), (c) or (d) of rule 34. Special concessions.

Government of India's decision.—The question for special treatment in the matter of journeys on duty by the Engineering Supervisors of Posts and Telegraphs Department on pay of less than Rs. 100 a month on Railways which do not provide intermediate class accommodation either at all or on the trains stopping at the stations to or from which journey is undertaken, has been carefully considered. The Governor General in Council is pleased to direct under this rule that these officials should, on the occasion of such journeys on the railways referred to, be allowed, with effect from 1st February 1913, to travel second class and granted as travelling allowance a single fare of that class (if a Railway duty pass entitling them to travel by that class has not been issued) plus one half of the fare of the third class to which they are entitled under S.R. 34(c)(*ii*)(2).

[F.A. (C's) endorsement No. Mails. 65/41(Col. 5)/Staff, dated the 3rd February 1943 and even No. dated the 9th September 1944.]

S. R. 36. Except in the case of journeys [1][covered by the Note below and journeys] on transfer (the rules about which are contained in Section XI) and journeys of Government servants required to accompany the headquarters of the Government of India (which are governed by the Simla Allowances Code), the mileage allowance admissible to a Government servant of the first, second or third grade is [2][1½] the fare of the class in which he is entitled to accommodation. The mileage allowance admissible to a Government servant of the fourth grade is the fare of the lowest class except for journeys under the Simla Allowances Code. Rate of Mileage Allowance.

[3]NOTE.—For a journey on the Dibru-Sadiya Railway and those sections of the Bengal and Assam Railway where an Upper class has been introduced in place of the first and second classes the mileage allowance admissible to Government servant of the first grade is 1½ times the fare of the Upper class.

Government of India's decision.—The Governor General in Council has decided that Government servants under his rule-making control are ordinarily expected, in respect of their journeys by road, otherwise than on

[1][] Inserted with effect from the 1st December 1936.

[2][] Substituted for "1½" with effect from the 1st October 1931.

[3]This revised Note (first inserted with effect from 1st December 1936 and subsequently amended with effect from the 1st May 1938 and the 1st January 1942) has effect from the 1st January 1944.

transfer, to travel on rail-*cum*-road tickets issued by some of the Railways in India wherever rail-*cum*-road services exist and are controlled by the Railway authorities. In such case the mileage allowance admissible for the road portion of the journey will be calculated as follows :—

(*a*) 1½ of the single journey fare charged for the journey by road by motor car, bus or lorry ; or (*b*) where return tickets only are issued, 1½ of the return journey fare charged for the journey by road by motor car, bus or lorry.	Subject to the maximum road mileage prescribed in S.R. 46.

[G.I., F.D. Endorsement No. F.5(102)-R. I/42, dated the 26th August 1942.]

Audit Instruction.—(*a*) A terminal tax which is included in the railway or steamer fare, such as the terminal tax of half an anna levied by the East Indian Railway on passengers travelling to and from Howrah, forms part of the railway or steamer fare and should be allowed as such on all travelling allowance claims.

(*b*) The Rangoon Terminal Tax, limited to the amount actually paid in each case, should be admitted in the travelling allowance bills of Government servants passing through Rangoon on duty.

(*c*) The toll-tax charged by the Municipalities at Nainital, Mussoorie and Almora, limited to the amount actually paid in each case, should be allowed in addition to the travelling allowance ordinarily admissible under the rules to Government servants proceeding on duty to the stations mentioned above.

[Para. 10, Sec. II of Manual of Audit Instructions (Revised).]

Director General's Instruction.—As the Supplementary Rules make no mention of concession tickets, it is taken for granted that any such concessions as may be allowed by railways at certain seasons (*e.g.*, at Christmas, Easter, during the Pujas, etc.) was taken into account in fixing the travelling allowance rates and that accordingly these rates should be calculated on the full fares ordinarily charged, the reduced rates being ignored.

This decision is issued with the concurrence of the Accountant General Posts and Telegraphs.

[D.G's. G.O. No. 9-3-9-1, dated the 23rd June 1928.]

Where the class to which the Government servant is entitled is not provided on the train.

S. R. 37. [1][If a Government servant of the second or third grade travels by a train which does not provide the class of accommodation to which he is entitled under rule 34, he may be allowed to draw a single railway fare of the next higher class *plus* the extra fare or fares admissible at the rate for the class by which he is entitled to travel, provided that the journey is actually performed by the higher class and the controlling officer attaches to his travelling allowance bill a certificate that it was necessary

[1] [] As revised by G.I., F.D. Correction No. 353 (S.P.), dated the 10th October 1935.

in the public interest that he should travel by the train.] This concession does not apply to a Government servant of the third grade whose pay is less than Rs. 100 and who travels on a line which provides intermediate class accommodation on one or more of its trains but not on the particular train on which he travels, if there be third class accommodation on that train. Such a Government servant is restricted to mileage allowance calculated for intermediate class accommodation.

Through booking.

S. R. 38. When through booking involves the payment, for part of a journey, of rates for accommodation of a class higher than that to which the Government servant concerned is entitled, the Government servant may draw [1][a single railway fare for the whole journey at the rate at which he is actually required to pay for the through booking, *plus* the extra fare or fares admissible at the following rates : –

(i) for that portion of the journey where accommodation of the class to which he is entitled is not available and it is necessary for him to travel by a higher class, at the rate for the higher class; and

(ii) for the rest of the journey, at the rate for the class to which he is entitled.]

Special rates.

S. R. 39. A special rate of mileage allowance is fixed by rule 84 for certain Government servants of the State Railway and Telegraph Departments when travelling on an unopened line of railway by trolly, material train or engine.

[2]SUB-SECTION (III). MILEAGE ALLOWANCE FOR JOURNEYS BY SEA OR BY RIVER STEAMER.

Classes of accommodation to which Government servants are considered to be entitled.

S. R. 40. [Subject to the exception below] for the purpose of calculating mileage allowance, Government servants are considered to be entitled to class accommodation according to the following scale : –

(a) *A Government servant of the first grade.*—Highest class;

[1] [] Substituted for the words "mileage allowance based on the higher rates for that part of the journey" by G.I., F.D. Correction No. 471 (S.R.) dated the 13th December 1938.

[2]The rules in this sub-section are intended to govern only journeys within the limits of "Indian Waters" and should be applied in audit accordingly. They should not, for instance, be applied in the case of an officer proceeding from India to England as the cost of a free passage should be the fare of a single ticket. [The term "Indian Waters" is intended to cover journeys to and from Indian ports and beyond sea stations administered by the Government of India, *viz*, Aden, the Andamans and Burma, in accordance with the definition of the term in the Army Regulations, India, Vol. X (Passage).]

[Ar. G's No. 380-A/185-22, dated, the 10th March 1923 and No. 175-A/57-24, dated the 22nd February 1924.]

In view of the revised definition of the term "Indian limits" in the Passage regulations, India, 1937 Edition, the expression "Journeys within the limits of Indian Waters" used in the ruling communicated in the Auditor General's letter No. 380-A/185-22, dated the 10th March 1923 (vide para. above) should now be taken as meaning journeys by river steamers within the limits of India proper and journeys by sea from one Indian port to another and between an Indian port and the Andamans.

[Ar.G's Endorsement No. 79-A/24-38, dated the 10th/12th February 1938.]

[] Inserted by G.I., F.D. Correction No. 327 (S.R.), dated the 10th May 1935.

(b) *A Government servant of the second grade.*—If there be two classes only on the steamer, the higher class ; and

if there be more than two classes, middle or second class.

(c) *A Government servant of the third grade.*—If there be two classes only on the steamer, the lower class ;

if there be three classes, middle or second class ;

if there be four classes, third class :

Provided that a competent authority may direct that any Government servant whose pay does not exceed Rs. 30 is entitled, for journeys generally or for particular journeys, to accommodation in the lowest class only.

(d) *A Government servant of the fourth grade.*—Lowest class.

[1]**Exception.**—**For journeys between Bombay or Karachi and Aden by the Ships of the P. & O. Steam Navigation Company, Government servants of the second and third grades are entitled only to second or tourist class accommodation, according as the ships in which they travel contain either first and second class or first and tourist class accommodation only.**

Government of India's decision.—The Governor General in Council has been pleased to decide that Posts and Telegraphs officials of the 2nd and the 3rd Grades travelling by the British India Steam Navigation Company's steamers plying between Rangoon and Madras, and Rangoon and Chittagong should be permitted to draw single fares (without diet) of II—Class 'A' or II—Class 'B', actually booked by them, in addition to the extra fares, two in the case of transfers and 3/5ths in the case of tour at II—Class 'B' rate (without diet) in each case.

(These orders take effect from the 1st May 1935.)
F.A., P. & T's Endorsement No. S. 250/(4)/34, dated the 21st May 1935.

Auditor General's decision.—It has been decided by the Auditor General in India with the concurrence of the Government of India that for the purpose of Supplementary Rule 40, the accommodation provided on the British Indian Steam Navigation steamers plying between Rangoon and Madras, *viz.* :—

I—Class,
II—Class A,
II—Class B,
and Deck

should be regarded as consisting of 3 classes only I, II and Deck and that II—Class B rate only should be allowed to Government servants of the 2nd and 3rd grades.

[Ar. G's Endorsement No. 100-A/103-33, dated the 13th July 1933.]

Rates of mileage allowance.

S. R. 41. Except in the case of journeys on transfer (the rules about which are contained in Section XI), the mileage allowance admissible to a

[1]Inserted by G I..F.D. Correction No. 327 (S.R.), dated the 10th May 1935.

Government servant of the first, second or third grade is 1-3/5 the fare at the lowest rate of the class in which he is entitled to accommodation [1][provided that in the case of journeys mentioned in the exception below S. R. 40, Government servants of the second grade travelling in steamers containing first and tourist class accommodation only are entitled to 1-3/5ths of the highest of those fares chargeable for tourist class accommodation which does not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P. & O. Steam Navigation Company]. The mileage allowance admissible to a Government servant of the fourth grade is the fare of the lowest class.

In cases where the steamer company has two rates of fare, one inclusive and one exclusive of diet, the word 'fare' in this rule should be held to mean fare exclusive of diet.

[2]**NOTE.—In respect of journeys between Rangoon and Chittagong and Rangoon and Madras performed in the steamers of the British India Steam Navigation Company, Government servants of the second and third grades will be entitled to draw a single fare (without diet) of II class 'A' or II class 'B' actually booked by them and the extra 3/5th fare at II class 'B' rate (without diet).**

Government of India's Ruling.—The fare charged by the steamer company, *minus* the rebate allowed to the Indian passengers who do not partake of the food supplied by the company represents the fare without diet which is admissible to both Indian and Non-Indian passengers alike. The fact that Non-Indians do not obtain this rebate does not affect the question. (The ruling has been accepted by the Government of India, Finance Department.)

[A.G., P. & T. No. Mis. 925/J. 1—II, dated the 25th July 1924.]

Director General's Instructions.—A Post and Telegraph officer of the third grade should on the occasion of a journey by the steamers of the Bombay Steam Navigation Company, between Bombay and Ratnagiri and the adjoining places, be allowed to travel by the upper class and to draw under S.R. 41, in the case of journeys on tour, one upper class and 3/5ths of a lower class fare.

[D.G., P & T's letter No. 258-B. I-/27, dated the 17th March 1927.]

S. R. 42. In cases of doubt or in which, owing to the arrangement of classes on a steamer, the provisions of rule 40 if strictly construed involve hardship, a competent authority may decide, for journeys generally or for particular journeys, to what class of accommodation a Government servant is entitled: and whether, if a concession is sanctioned, he should be granted the full allowance admissible for the higher class in which he is permitted to travel. Special concessions.

Director General's orders—

(1) The Director General of Posts and Telegraphs, under Supplementary Rule 42, sanctions the grant to the Sub-Divisional Officers,

[1]] Inserted by G.I., F.D. Correction No. 327 (S.R.), dated the 10th May 1935.

[2]This Note (inserted by G.I., F.D. Correction No. 354 (S. R.) dated the 10th October, 1935) has effect from the 1st May 1935.

Telegraphs, and the Engineering Supervisors of the Second grade, of the concession of a single I class fare actually spent in travelling first class on board the steamers plying between Sylhet and Derai, Derai and Kadirganj and Kadirganj and Fenchuganj or on similar lines which provide no second class accommodation in connection with their journey on duty, the extra two fares or 3/5ths fare, as the case may be, being granted at the lower rate ordinarily admissible under the rules. The mileage allowance admissible to other Engineering Supervisors in similar circumstances should be regulated strictly in accordance with the provisions laid down in Rule 40 of the Supplementary Rules.

(This order takes effect from the 6th January 1940.)

[Director General's endorsement No. S. 249/117, dated the 6th Jan. 1940.]

(2) For the purpose of Supplementary Rule 40, the accommodation provided on the British India Steam Navigation Company's steamers should be regarded as consisting of 3 classes only, *viz.*, 1st, 2nd and Deck.

[D.G., P. T's Memo. No. S-249/31, dated the 19th February 1934.]

(3) The Director General has decided under Supplementary Rule 42 that, for the purpose of regulating the travelling allowance of the Posts and Telegraphs officials travelling on duty by the S.S. " Maharaja " between Andamans and Nicobar Islands and Calcutta and Madras, Class II accommodation (without diet) should be allowed to all officials of the 3rd grade drawing a pay of Rs. 100 and above subject to the proviso that the class II fare should be limited to a single fare, the balance, *viz.*, two in the case of transfers and 3/5ths in the case of tours, being calculated at class III fare in each case.

[Director General's endorsement No. S-249/4, dated the 31st August 1940.]

Crossing a river or arm of the sea.

S. R. 43. The rules in this sub-section apply to Government servants who cross a river or arm of the sea by steamer in the course of a journey, unless such crossing occurs during a railway journey and the charge for it is included in the railway fare. In the latter case, the crossing is treated as part of the railway journey.

Travelling by Government steamer.

S. R. 44. If suitable accommodation on a Government vessel is offered to a Government servant, he is entitled to travelling allowance under rule 180 and not to mileage allowance. It is not open to him to refuse to accept such accommodation and to draw mileage allowance.

SUB-SECTION (IV).—MILEAGE ALLOWANCE FOR JOURNEYS BY ROAD.

Definition of travelling by road.

S. R. 45. For the purpose of these rules, travelling by road includes travelling by sea or river in a steam launch or in any vessel other than a steamer and travelling by canal.

Ordinary rates.

[1] S. R. 46. For journeys by road, mileage allowance is admissible at the following rates for each mile travelled :—

To a Government servant of the first grade	annas.
To a Government servant of the second grade	4 annas.
To a Government servant of the third grade	2 annas.
To a Government servant of the fourth grade	1 anna.

[1] This revised rule has effect from the 1st January 1934.

[1][Provided that to a Government servant who while making a journey by road otherwise than on transfer takes a single seat in a taxi, motor omnibus or motor lorry plying for hire the rates admissible shall be such lower rates as may be fixed by competent authority and for rates so fixed the provisions of Supplementary Rules 56 shall not apply.]

Government of India's orders—

(1) With reference to the proviso to Supplementary Rule 46 the Governor General in Council has fixed the rates of road mileage allowance in columns 2—5 of the statement below for Government servants who take a single seat in a taxi, motor omnibus or motor lorry plying for hire on the routes specified in column 1 of the said statement.

Route.	Rate Admissible.			
	Grade I.	Grade II.	Grade III.	Grade IV.
1	2	3	4	5
Ajmer-Merwara— All routes . . .	2 Annas a mile.	1 Anna 6 pies a mile.	1 Anna a mile.	6 Pies a mile

All controlling officers should demand a certificate in the following form before passing a travelling allowance bill for road mileage :—

"I certify that I did not perform the road journeys for which mileage has been claimed at the higher rate prescribed in Supplementary Rule 46 by taking a single seat in a taxi, motor omnibus or motor lorry plying for hire."

This order comes into force with effect from the 1st January 1941.

[Govt. of India, Finance Dept. Correction No. 522 (S.R.), dated the 1st March 1941.]

(2) With reference to the proviso to Supplementary Rule 46 Crown Representative has fixed the rates of road-mileage allowance in columns 2—5 of the statement below for persons serving under him in the Central India Agency who take a single seat in a taxi, motor omnibus or motor lorry plying for hire on the routes specified in column 1 of the statement.

Route.	Rate admissible.			
	Grade I.	Grade II.	Grade III.	Grade IV.
1	2	3	4	5
Central India— All routes . . .	2 Annas a mile.	0-1-6 a mile.	0-1-0 a mile.	6 pies a mile.

[1]] This proviso has effect from the 1st January 1941 and does not apply to Officers under the rule-making control of the Secretary of State.

All controlling officers should demand a certificate in the following form before passing a travelling allowance bill for road mileage :—

" I certify that I did not perform the road journeys for which mileage has been claimed at the higher rate prescribed in Supplementary Rule 46 by taking a single seat in a taxi, motor omnibus or, motor lorry plying for hire. "

The order comes into force with effect from the 1st September 1942

[Memorandum No. F. 32(16)-E/42, dated the 26th August 1942, from the Secretary to His Excellency the Crown Representative, to the Hon'ble the Resident for Central India, copy received under G.I., F.D. Endorsement No. D. 2100-R. I/42, dated the 31st August 1942.]

Government of India's decisions—

(1) The Governor General in Council is pleased to delegate to the Postmaster General, Madras, the power to sanction the grant of road mileage and daily allowance at the ordinary rates in Supplementary Rule 46 and Supplementary Rule 51 to officials of the Telegraphs Engineering Branch who are required to proceed to or halt at Talaimannar, Ceylon, in connection with testing and other operations on the Indo-Ceylon cables.

[F.A., P. T's Endorsement No. S.A.-369(47)/32, dated the 23rd December 1932, and D.G., P. T's Memo. No. S-250/64/33, dated the 4th April 1934.]

(2) The Governor General in Council is pleased to delegate to the Director of Posts and Telegraphs, Sind and Baluchistan Circle, the power to sanction in the case of Gazetted and non-Gazetted Government servants under his administrative control, the payment of actual travelling expenses or the mileage allowance admissible under Supplementary Rule 46 and item 23 of Appendix 18-A to the Fundamental and Supplementary Rules, Volume II, whichever is less, for their journeys from Mirjawa to Zahidan and back to obtain exit visas on their passports or residential permits from the Iranian authorities at Zahidan.

[F. A. (C's) endorsement No. S-250/13/41, dated the 21st April 1941.]

(3) Due to the present general rise in costs the Government of India have decided that the existing rates of road mileage contained in Supplementary Rule 46 shall, until further orders, be modified as indicated below: —

	Rate for each mile travelled by road.
To a Government servant of the first grade . .	Eight annas.
To a Government servant of the second grade . .	Six annas.
To a Government servant of the third grade . .	Two annas and six pies.
To a Government servant of the fourth grade . .	One anna & six pies.

For the specially expensive localities included in Appendix 18-A in Volume II of the Posts and Telegraphs Compilation of Fundamental and Supplementary Rules, the rates of road mileage allowance shall be either the old rates (*i.e.* the rates prescribed by Supplementary Rule 46 together with the existing percentage (or *ad hoc* increases) *or* the revised rates as stated above without any percentage or *ad hoc* increases, whichever are higher.

(This decision takes effect from the 1st March 1944.)

[G.I., F.D. Endorsement No. F.5(78)I—R. I/43, dated the 29th March 1944.]

S. R. 47. A competent authority may, for special reasons to be recorded, allow to a particular Government servant or class of Government servants mileage allowance at a higher rate than is prescribed in rule 46. Special concession.

S. R. 48. In calculating mileage allowance for journeys by road fractions of a mile should be omitted from the total of a bill for any one journey but not from the various items which make up the bill. Treatment of fractions of a mile.

[1]SUB-SECTION (V).—MILEAGE ALLOWANCE FOR JOURNEYS BY AIR.

[1] S. R. 48-A. For purposes of the rules in this sub-section, travel by air means journeys performed in the machines of public air transport companies regularly plying for hire. It does not include journeys performed by private aeroplanes or air taxis.

[2]S. R. 48-B. Travel by air is permissible on tour or on transfer.

(i) in the case of an officer whose rank in the Royal Warrant of Precedence for the time being in force is not lower than Article 55, at his discretion.

(ii) in the case of an officer to whom sub-clause (i) does not apply whenever a competent authority certifies that air travel is urgent and necessary in the public interest :

Provided that the Governor General in Council may grant general permission to any Government servant or class of servants to travel by air as a matter of routine in connection with a specified journey or journeys.

[2] S. R. 48-C. A Government servant authorised to travel by air is entitled to a mileage allowance equal to *one and one-third* of the standard air fare for the journey as prescribed by competent authority.

[2] S. R. 48-D. A Government servant who is not authorised to travel by air but who performs a journey by air on tour can draw only the travelling allowance to which he would have been entitled if he had travelled by rail, road or steamer.

[2] S. R. 48-E. If available, return tickets at reduced rates should always be purchased when an officer expects to perform the return journey by air within the period during which a return ticket is available. The mileage allowance for the forward and the return journeys when such return tickets are available will, however, be the actual cost of the return ticket plus two-thirds of the standard air fare for a single journey between the two places

SECTION VI.—DAILY ALLOWANCE.

S. R. 49. A daily allowance is a uniform allowance for each day of absence from headquarters, which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence

[1] Inserted by G. I., F. D. Resolution No. F. 5(68)-R.I/33, dated the 30th November 1936.

[2] Rules 48-B to 48-E were substituted for the *old* S.R's. 48-B and 48-C with effect from the 1st November 1946.

General rule as to drawing of daily allowance.

S. R. 50. Unless in any case it be otherwise expressly provided in these rules, a daily allowance may be drawn while on tour by every Government servant whose duties require that he should travel, and may not be drawn except while on tour.

Rates of daily allowance.

[1]**S. R. 51.** Daily allowance is admissible on the following scale :—

(a) To a Government servant of the first grade—

Pay up to Rs. 750 . . .	Rs. 5.
Pay exceeding Rs. 750 but not exceeding Rs. 1,000 . .	Rs. 6.
Pay exceeding Rs. 1,000 . .	Rs. 6 for the first Rs. 1,000 *plus* one rupee for every additional Rs. 500 or fraction there of subject to a maximum of Rs. 10.

(b) To a Government servant of the second grade—

Annas 2 for every Rs. 12½ or fraction of Rs. 12½ of pay, subject to a maximum of Rs. 4.

(c) To a Government servant of the third grade—

Annas 2 for every Rs. 12½ or fraction of Rs. 12½ of pay ' subject to a minimum of annas 8 if pay is not less than Rs. 35 and annas 6 if pay is less than Rs. 35.

(d) To a Government servant of the fourth grade—

Annas 4.

[1]**NOTE**—In the case of Military Officers in civil employ who are provided with rent free accommodation, the term ' pay ' in this rule includes lodging allowance otherwise admissible.

Government of India's Order.—The Government of India have decided that the Frontier Allowance granted to Officers of the Frontier Irregular Corps should be reckoned as pay for purposes of Supplementary Rule 51 in regulating travelling allowance.

[G.I. in the External Affairs Department Memorandum No. F. 110-F./33, dated the 28th July 1937.]

Government of India's decisions.—

(1) *See* item (1) of the Government of India's decisions below Supplementary Rule 46.

(2) Due to the present general rise in costs the Government of India have decided that the existing rates of daily allowance contained in Supplementary Rule 51 shall, until further orders, be modified as indicated below :—

(*a*) *To a Government servant of the first grade.*—

	Rs. A. P.	
Pay up to Rs. 750 . . .	6 4 0.	
Pay exceeding Rs. 750 but not exceeding Rs. 1,000 . .	7 8 0.	
Pay exceeding Rs. 1,000 . .		Rs. 7-8-0 for the first Rs. 1,000 *plus* Rs. 1-4-0 for every additional Rs. 500 or fraction thereof subject to a maximum of Rs. 12-8-0.

[1]This revised rule has effect from the 1st January 1934.

This Note has effect from the 3rd March 1939.

(b) *To a Government servant of the second grade.*—

Three annas for every Rs. 12-8-0 or fraction of Rs. 12-8-0 of pay, subject to a maximum of Rs. 6.

(c) *To a Government servant of the third grade.*—

Three annas for every Rs. 12-8-0 or fraction of Rs. 12-8-0 of pay, subject to a minimum of annas 12 if pay is not less than Rs. 35 and annas 10 if pay is less than Rs. 35.

(d) *To a Government servant of the fourth grade.*—

Eight annas.

For the specially expensive localities of Bombay, Calcutta, Delhi, Karachi, Madras and Simla, and in supersession of the existing rates, the rates of daily allowance shall be as follows:—

Delhi, Simla, Madras and Karachi.

(a) For a Government servant of the first grade:

Pay upto Rs. 750. Rs. 10.
Pay exceeding Rs. 750.
Rs. 10 for the first Rs. 750 *plus* 0-8-0 per Rs. 250 or fraction thereof subject to a maximum of Rs. 12-8-0.

(b) For a Government servant of the second grade:

Four annas for every Rs. 12-8-0 of pay or fraction thereof subject to a minimum of Rs. 4 and a maximum of Rs. 8.

(c) For a Government servant of the third grade:

Four annas for every Rs. 12-8-0 of pay or fraction thereof subject to a minimum of Rs. 1-8-0.

(d) For a Government servant of the fourth grade:

Twelve annas

Bombay and Calcutta.

(a) For a Government servant of the first grade:

Pay upto Rs. 750 . . Rs. 12-8-0.
Pay exceeding Rs. 750
Rs. 12-8-0 for the first Rs. 750 *plus* 0-8-0 per Rs. 250 or fraction thereof subject to a maximum of Rs. 15.

(b) For a Government servant of the second grade:

Six annas for every Rs. 12-8-0 of pay or fraction thereof subject to a minimum of Rs. 6 and a maximum of Rs. 10

(c) For a Government servant of the third grade:

Six annas for every Rs. 12-8-0 of pay or fraction thereof subject to a minimum of Rs. 2.

(d) For a Government servant of the fourth grade:

One Rupee.

For the specially expensive localities included in Appendix 18-A in Volume II of the Post and Telegraphs Compilation of Fundamental and Supplementary Rules, other than the six towns referred to above, the old rates of daily allowance *plus* the existing percentage of *ad hoc* increases as the case may be, *or* the rates fixed in these orders for ordinary localities, whichever are higher, shall be admissible.

For the six towns mentioned above, the old rates of daily allowance *plus* the existing percentages in Appendix 18-A of Volume II of P. & T. Compilation of Fundamental and Supplementary Rules or the new rates, whichever are higher, shall be admissible.

The instructions laid down in Note 2 below Supplementary Rule 56 remain unaffected by the above decision and the enhanced rates of daily allowance sanctioned therein are, therefore, not admissible in such cases.

(This decision takes effect from the 1st March 1944.)

[G.I., F.D. Endorsements No. F.5(78)-R I/43, dated the 29th March 1944, 25th July 1944 and the 9th January 1945.]

Audit Instruction.—The term 'pay' occurring in Supplementary Rule 51 should be held to include, as far as Civil Officers are concerned, all the emoluments drawn under Fundamental Rule 9(21) (*a*) (*i*), (*ii*) and (*iii*), sterling overseas pay being converted for the purpose at 1*s.* 6*d.* to the rupee.

In the case of military officers in Civil employ, the term should be held to include all the emoluments mentioned in Fundamental Rule 9 (21) (*b*)

[Para. 12, Sec. II of Manual of Audit Instructions (Issue).]

Exceptions.

S. R. 52. A competent authority may, for reasons which should be recorded and on such conditions as it may think fit to impose, sanction for any Government servant or class of Government servants a daily allowance higher or lower than that prescribed in rule 51, if it considers that the allowance so prescribed is inadequate or excessive.

[1]NOTE.—Appendix 18 in Volume II of this compilation contains the list of the special rates of daily allowance sanctioned by the Governor General in Council in the case of certain Government servants. These Government servants may either draw the special rate or the rate admissible to them under the operation of Rule 51 whichever is greater.

SECTION VII. ACTUAL EXPENSES.

Actual expenses not admissible except under specific rule.

S. R. 53 Unless in any case it be otherwise expressly provided in these rules no Government servant is entitled to be provided with means of conveyance by or at the expense of Government, or to draw as travelling allowance the actual cost or part of the actual cost of travelling.

Audit Instruction.—*Vide* entry below S. R. 56.

CHAPTER III—TRAVELLING ALLOWANCE ADMISSIBLE FOR DIFFERENT CLASSES OF JOURNEY.

SECTION VIII.—GENERAL.

Travelling allowance calculated with reference to the purpose of the journey.

S. R. 54. The travelling allowance admissible to a Government servant for any journey is calculated with reference to the purpose of the journey in accordance with the rules laid down in Sections IX to XX.

Government of India's Orders. As a general practice, when officers of the Government of India are permitted on their own request to attend meetings or conferences or congresses held in India, and, if any Government interest is served thereby, they are paid a single railway fare of the class of accommodation to which they are entitled under the Supplementary Rules for the journey each way, without any road mileage or daily allowance for halts at the place of meeting.

Travelling and daily allowances, etc. under the Supplementary Rules are, however, admissible when an officer is officially sent to attend a conference, congress or meeting

[Government of India, Finance Department Endorsement No. D-611-R.I/44, dated the 24th March 1944.]

Recovery of cost of transporting personal luggage, etc.

S. R. 55. Unless in any case it be otherwise expressly provided in these rules, a Government servant making a journey for any purpose is not entitled to recover from Government the cost of transporting his family or his personal luggage, conveyance tents and camp equipage.

[1] Inserted with effect from the 1st January 1934.

S. R. 56. A competent authority may, by general or special order, direct that the ordinary rates of daily allowance or mileage allowance or both shall be increased either in a definite ratio or in any other suitable manner for any or all Government servants travelling in any specified locality in which travelling is unusually expensive. Higher rates for journeys in expensive localities.

NOTE 1.—Appendix 18-V in Volume II of this compilation includes the general orders issued by competent authority under this rule. In regard to Government servant for whom special rates of daily allowance have been prescribed under Rule 52, such special rates should be taken as the 'ordinary rates' for the purpose of this rule subject to the condition that no officer of one grade draws a higher rate of daily allowance than an officer of a higher grade in the same Department.

[NOTE 2.—The special rates of daily allowance for the following expensive cities are not applicable to officers touring in and about those cities under circumstances entitling them only to daily allowance, if their headquarters are situated within the limits indicated against each :—

Bombay	Suburban District and Bombay city.
Karachi	The limits of jurisdiction of the Karachi Municipality.
[Poona . . .	Poona Area (i.e. within a radius of 5 miles from Poona Railway Station).]
Calcutta . . .	The limits of jurisdiction of the Calcutta Corporation.
Delhi City and Old and New Delhi . . .	The area within the jurisdiction of Delhi and New Delhi Municipalities and Old Delhi and Fort Notified Areas.
Madras . . .	The limits of jurisdiction of the Madras Corporation.
[Dhanbad . . .	Dhanbad town and the industrial area known as the Jharia notified within the Dhanbad Sub-Division beyond the limits of the town proper.]

Government of India's Orders.—With effect from 1st April 1928, Postal Signallers may draw a special allowance of Re. 1 per mile for journeys on transfer between Baltit and Misgar and *vice versa*.

[G. I., F. D., No. 67 P.-E., dated 20th February 1928.]

S. R. 57. When a Government servant of a grade lower than the first grade is required by the order of a superior authority to travel by special means of conveyance, the cost of which exceeds the amount of the daily allowance or mileage allowance admissible to him under the ordinary rules he may draw the actual cost of travelling in lieu of such daily or mileage allowance. The bill for the actual cost must be supported by a certificate, signed by the superior authority and countersigned by the controlling officer, stating that the use of the special means of conveyance was absolutely necessary and specifying the circumstances which rendered it necessary. Journeys by special conveyance.

Government of India's Orders —

(1) Inspectors, Sub-Inspectors and linemen of the Telegraph Engineering Branch, when ordered out in the interests of service to attend to

[1] As revised by G. I., F. D. Correction No. 339 (S. R.), dated the 10th July 1935.

[2] Inserted by G. I., F. D. Correction No. 2 (S. R.), dated the 19th January 1935.

[3] As revised by G. I., F. D. Correction No. 420 (S. R.), dated the 1st July 1937.

[4] Inserted by G. I., F. D. Correction No. 328 (S. R.), dated the 10th May 1935.

urgent work in connection with the maintenance of communications within their ordinary jurisdiction and required by a superior authority not below the rank of a Sub-Divisional Officer, Telegraphs, to travel by special means of conveyance, may be reimbursed by the Divisional Engineer, Telegraphs, concerned, the actual cost of such conveyance up to a limit of Rs. 5 in each case provided the use of the conveyance and the necessity for its employment is certified to by the superior authority, *i.e.*, by the Sub-Divisional Officer concerned on every occasion.

It should be clearly understood that the journeys of the kind referred to above should be restricted to cases in which they are absolutely essential for the maintenance of efficient service and even in such cases an official should be sent from the nearest station where he may be available.

The whole Sub-Division to which line staff are attached should be considered as their jurisdiction for purposes of journeys on tour. In cases, however, when line staff proceed on duties in connection with the maintenance of communications, to adjoining sections outside the Sub-Division to which they belong such journeys should be taken as covering the temporary jurisdiction of the officials concerned as long as the duties referred to last.

[F. A., P. & T. Endorsement No. S-249/16, dated the 16th January 1934.]

(2) The journey performed by the lineman who accompanies the Engineering Supervisor, Telegraphs, Srinagar (Kashmir), on the occasion of his annual tour in the frontier of Kashmir as far as Gilgit, Misgar and Drosh, etc., should, as a special case, be treated as a journey on tour outside his jurisdiction for purposes of travelling allowance and his claim should be regulated under the ordinary rules governing journeys on tour.

[F. A. (C's.) endorsement No. S-249/8/39 dated the 7th April 1941.

(3) Heads of circles are authorised to sanction, under S. R. 57, the payment of actual expenses incurred by the line staff who are required by orders of a superior authority, not below the rank of a Sub-Divisional Officer, Telegraphs, to travel by special means of conveyance in the circumstances contemplated in item (1) of the Government of India's orders above. It has also been decided that the power of a Divisional Engineer, Telegraphs, to sanction actual expenses to the line staff in similar circumstances should be raised from Rs. 5 to Rs. 10 in each case. All the other restrictions and conditions laid down in item (1) of the Government of India's orders above will remain operative.

[Financial Adviser (Communications') endorsement No. S. R. 250 15/43, dated the 14th June 1944.]

Government of India's decision.—The Governor General in Council has decided that the concession admissible to Inspectors, Sub-Inspectors and Linemen of the Telegraph Engineering Branch, under item (1) of the Government of India's orders above, in respect of their journeys to attend to urgent work in connection with the maintenance of communication, may also be allowed in respect of the return journey provided the superior authority considers the speedy return of the officials to Headquarters to be necessary in the interests of service.

[F. A. (C's.) endorsement No. S. K-249-16/46, dated the 14th January 1946.]

S. R. 58. A Government servant of the fourth grade, when travelling by sea or river steamer, may draw, in addition to mileage allowance, daily allowance at double the rate ordinarily admissible to him ; provided that, whatever be the nature of other journeys which may be combined with the steamer journey, no further daily allowance may be drawn for any day for which this double allowance is drawn. A Government servant of the fourth grade travelling by steamer.

SECTION IX.—JOURNEY ON TOUR.

SUB-SECTION (I).—GENERAL RULES.

S. R. 59. The headquarters of a Government servant shall be in such place as a competent authority may prescribe. Definition of headquarters.

S. R. 60. A competent authority may define the limits of the sphere of duty of any Government servant. Limits of sphere of duty

S. R. 61. A Government servant is on tour when absent on duty from his headquarters either within or, with proper sanction, beyond his sphere of duty. For the purposes of this section, a journey to a hill station is not treated as a journey on tour. Definition of tour.

NOTE.—[1] * * *].

S. R. 62. In case of doubt a competent authority may decide whether a particular absence is absence on duty for the purpose of rule 61.

Director General's decision.—Absence from headquarters of officials under the Superintendent of Telegraph Workshops, Alipore, in order to proceed to outstations to collect technical data for the manufacture of special apparatus, should be regarded as absence on duty for the purpose of S. R. 61.

[D. G., P. & T's Memoranda No. S.E. 686/31, dated the 14th October 1932, and dated the 22nd October 1932.]

S. R. 63. A competent authority may impose such restrictions as it may think fit upon the frequency and duration of journeys to be made on tour by any Government servant or class of Government servants. Restrictions on the duration and frequency of tours.

S. R. 64. If a competent authority declares that the pay of a particular Government servant or class of Government servants has been so fixed as to compensate for the cost of all journeys, other than journeys by rail or steamer, within the Government servant's sphere of duty, such a Government servant may draw no travelling allowance for such journeys though he may draw mileage allowance or, if he be in inferior service, travelling allowance under rule 78, for journeys by rail or steamer. When travelling on duty, with proper sanction, beyond his sphere of duty, he may draw travelling allowance calculated under the ordinary rules for the entire journey, including such part of it as is within his sphere of duty. Government servants who are not entitled to travelling allowance for journeys on tour.

[*For a list showing rates of Travelling Allowance of Line-staff of the Telegraph Engineering Branch for journeys on tour, see Appendix 15-A in Volume II of this Compilation.*]

[*For a list of officers who are not entitled to travelling allowance for journeys on tour, see Appendix 19 in Volume II of this Compilation.*]

[1] [*] Deleted by G.I., F.D. Correction No. 502 (S. R.), dated the 1st January 1940

Director General's order.—In supersession of all previous orders on the subject, it has been decided that an overseer in the Post Office (whether mail or cash overseer) will not be entitled to draw any travelling allowance for journeys within his jurisdiction except (*i*) a fixed horse allowance in cases in which such an allowance is specially sanctioned, (*ii*) the charges on account of ferry or other tolls and (*iii*) the actual fare for journeys by rail or steamer when a free pass is not supplied. When travelling on duty with proper sanction, beyond his sphere of duty he will, however, be entitled to the ordinary travelling allowance admissible under the last sentence of Supplementary Rule 61.

[Part V of D. G's Circular No. 15, dated the 21st June 1928.]

[1] **S. R. 64-A. As a partial exception to Rule 64, a cash overseer in the Indian Posts and Telegraphs Department may, in cases where two stations are connected by railway as well as by public motor service or by boat service, claim the actual motor or boat fare for journeys for conveyance of cash subject to the condition that in no case the motor or boat fare shall exceed the railway fare claimable under the preceding rule.**

Director General's Instructions.—*See* item (2) of the Director General's instructions below Supplementary Rule 176.

General principles on which travelling allowance is drawn for journeys on tour.

S. R. 65. The travelling allowance drawn by a Government servant on tour ordinarily takes the shape of either permanent travelling allowance or daily allowance, if either of these is admissible to him. Permanent travelling allowance and daily allowance may, however, in certain circumstances be exchanged for mileage allowance or for the whole or part of the actual cost of travelling. In certain other circumstances actual cost may be drawn in addition to daily allowance or for journeys for which no daily allowance is admissible.

Director General's instructions.—When a postman, village postman, or any other official is required to convey cash from one Post Office to another, travelling allowance as for journeys on tour is admissible and should be drawn in a travelling allowance bill.

The term "any other official" used above is not intended to mean an official who is not ordinarily entitled to travelling allowance on tour, *e.g.*, Overseers whose travelling allowance is regulated under S. R. 64-A.

[Rule 3(a), Appendix 17 to the P. & T. I. A. C., Volume I and the note thereunder.]

When mails containing insured articles or cash or both of higher aggregate value than Rs. 100 are conveyed in the custody of a special messenger between offices or sections served by weighment system only, the special messenger should be paid travelling allowance as on tour without any halting allowance.

[D. G., P. & T's letter No. S-310/5/40, dated the 4th November 1941.]

[1] [] Inserted by G. I., F. D. Correction No. 413 (S. R.), dated the 10th February 1937 and subsequently amended by G. I., F. D. Correction No. 435 (S. R.) dated the 1st January 1938.

S. R. 66. (a) A competent authority may prescribe the scale of Government tents to be supplied to any Government servant or class of Government servants for office or, if it thinks fit, for personal use. Carriage of tents supplied by Government.

(b) When such tents are used by a Government servant on tour for office purposes only, they may be carried at Government expense. When used partly for office and partly for private purposes, the Government servant must except as provided in rule 81, pay half the cost of carriage. When used wholly for private purposes, the Government servant must, except as provided in rule 81, pay the entire cost of carriage.

SUB-SECTION (II).—GOVERNMENT SERVANTS IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

S. R. 67. A permanent travelling allowance is intended to cover the cost of all journeys within the sphere of duty of the Government servant who draws it, and such Government servant may not draw any other travelling allowance in place of or in addition to permanent travelling allowance for such journeys ; provided that :— Actual expenses in addition to or in exchange for permanent travelling allowance.

(1) a Government servant of the fourth grade and any other class of Government servants to which a competent authority may extend this concession may draw, in addition to permanent travelling allowance, single fare for a journey by rail, and

(2) a competent authority may, by general or special order, permit a Government servant whose sphere of duty extends beyond the limits of a single district to draw, in addition to permanent travelling allowance, whenever his actual travelling expenses for a duly authorised journey by public conveyance exceed double the amount of his permanent travelling allowance for the period occupied in such journey, the difference between such double permanent travelling allowance and the mileage allowance calculated for the journey.

S. R. 68. When a Government servant in receipt of permanent travelling allowance travels on duty, with proper sanction, beyond his sphere of duty, he may draw mileage allowance for the entire journey including such part of it as is within his sphere of duty, and may draw, in addition, permanent travelling allowance for any day of his absence for which he does not draw mileage allowance. This rule does not apply to a Government servant who travels beyond his sphere of duty in the course of a journey from one place within that sphere to another such place, or to a Government servant who makes, by road alone, a journey not exceeding 20 miles. Mileage allowance in exchange for permanent travelling allowance.

SUB-SECTION (III).—GOVERNMENT SERVANTS NOT IN RECEIPT OF PERMANENT TRAVELLING ALLOWANCE.

Sub-Division (i)—Daily allowance.

S. R. 69. Except where otherwise expressly provided in these rules, a Government servant not in receipt of permanent travelling allowance draws travelling allowance for journeys on tour in the shape of daily allowance. General rule.

Drawn during absence from headquarters on duty.

S. R. 70. Daily allowance may not be drawn except during absence from headquarters on duty. A period of absence from headquarters begins when a Government servant actually leaves his headquarters and ends when he actually returns to the place in which his headquarters are situated whether he halts there or not.

Government of India's decision.—If an officer of a Vacation Department combines tour with vacation, *i.e.*, proceeds on tour and then avails of vacation without returning to his headquarters, he should be granted tour travelling allowance under these rules for the outward journey only.

[G. I., F. D. Endorsement No. F.5(46) R.I/43, dated the 5th June 1943.]

Distance to be travelled before daily allowance is admissible.

S. R. 71. Daily allowance may not be drawn for any day on which a Government servant does not reach a point outside a radius of five miles from his headquarters or return to his headquarters from a similar point.

Halts on tour.

S. R. 72. Subject to the conditions laid down in rules 73 and 74, daily allowance may be drawn during a halt on tour or on a holiday occurring during a tour.

Government of India's orders.—The Government of India have decided to reaffirm the order—

(*a*) that a Government servant who takes casual leave while on tour is not entitled to draw daily allowances during such leave, and

(*b*) that daily allowance is not admissible for any day, whether Sunday or holiday, unless the officer is actually and not merely constructively in camp.

[G. I., F. D. No. F-85/C.S.R./26, dated the 13th March 1926 and No. F.19(33)-R.I/31 dated the 9th April 1931.]

S. R. 73. Daily allowance may not be drawn for a continuous halt of more than ten days at any one place; provided that a competent authority may grant general or individual exemptions from the operation of this rule on such conditions as it thinks fit, if it is satisfied—

(a) that prolonged halts are necessary in the interests of the public service, and

(b) that such halts necessitate the maintenance of camp equipage or, where no camp equipage is maintained, continue, after the first ten days, to entail extra expense upon the halting Government servant.

Government of India's decisions.—

(1) Exemptions from the operation of Supplementary Rule 73, which prohibits the drawal of daily allowance by a Government servant for a period in excess of 10 days in respect of a halt at an outstation, may be granted only in cases where the conditions prescribed in clauses (*a*) and (*b*) are satisfied and in granting such exemptions, the competent authority may impose such conditions as it thinks fit. One such condition is the reduction in the amount of the daily allowance that may be drawn and the principle underlying reduction is that the expense incurred by a Government servant in respect of a halt at an outstation ordinarily decreases in proportion to the length

of his stay at that station. This principle should be borne in mind by the authorities to whom powers under this rule have been delegated and the rate of daily allowance should be suitably reduced after the first 10 days in all cases except those which present very special features. Cases in which special treatment can be justified will in addition to those of the kind mentioned in clause (*b*) of Supplementary Rule 73 be generally those in which the halt of a Government servant at an outstation is of uncertain duration which makes it impossible for him to arrange for more permanent and cheaper accommodation.

[G. I., F. D. letter No. F.5(44)-R.I/33, dated the 30th September 1933.]

(2) The instructions contained in the Government of India's decision above are not intended to apply to inferior servants.

[G. I., F. D. No. F 5(44)-R.1/33, dated the 12th May 1934.]

(3) The Government of India have reaffirmed the orders that a tour is held to be completed when a Government servant returns to headquarters even though the return be for less than 3 nights.

[G. I., F. D., letter No. F.145-C.S.R. 26, dated the 12th May 1926.]

(4) For the duration of the war power has been delegated to all Heads of Circles including the Electrical Engineer-in-Chief, the Director, Telegraph Stores and Workshops and the General Managers, Telephone Districts at Calcutta, Bombay and Madras, to grant exemptions from the operation of Supplementary Rule 73 up to a limit of 60 days provided that the rates are regulated in accordance with Director General's Instructions below this Rule and that full rates of daily allowance are not sanctioned for periods of halts in excess of 10 days in any case without the prior sanction of the Director General.

[Financial Adviser (Communications') Endorsement No. S-249-55/43, dated the 30th March 1944.]

(5) Daily allowance for halts on tour at Delhi or Simla may be drawn on the following terms by the officers and staff of the Departments of the Government of India and the offices attached and subordinate thereto which are located at Simla or Delhi :—

(*i*) A Government servant may not draw daily allowance for a period in excess of 90 days in all for halts on tour in Delhi or Simla in each half year reckoned from the 1st April to the 30th September and the 1st October to the 31st March.

(*ii*) For each continuous halt on tour exceeding 10 days daily allowance will be admissible—

(*a*) at the full rate for the first 10 days ,

(*b*) at $\frac{3}{4}$ of the full rate for the next 20 days , and

(*c*) at $\frac{1}{2}$ of the full rate thereafter,

provided that the total number of days in any half year for which daily allowance is drawn does not exceed 90 days.

(*iii*) A halt on tour shall be treated as continuous for the purpose of clause (*ii*) of these orders unless interrupted by absence on duty for a period of not less than 7 nights.

(*iv*) A halt commencing in one half year and extending into the next shall be treated as continuous for the purpose of the rates permissible under clause (*ii*) of these orders. The duration of such halt falling within each half year shall count towards the maximum period of 90 days laid down in clause (*i*) of these orders. *[In a case, however, in which a halt commencing in one half year during which the Government servant had already drawn daily allowance for 90 days, extends into another half year, the period, if any, falling in the first half year, during which he could not draw any daily allowance, will, subject to the provisions of clause (*iii*) above, be treated as an interruption for the purpose of determining the rate of daily allowance during the second half year.]

*[This addition to clause (iv) takes effect from the 1st April 1945.

(*v*) No daily allowance may be drawn during periods of leave of any kind (including casual leave) taken while on tour. Such periods shall not be included in the calculation of the total period of 90 days under clause (*i*) above.

(*vi*) Inferior Government servants will be entitled to daily allowance at the full rate throughout periods of tour, and the restrictions in clauses (*i*) to (*v*) above do not apply in their case.

[Government of India, Finance Department Office Memorandum No. D 2958 W IV/43, dated the 11th December 1943 as amended by the Government of India, Finance Department Office Memorandum No. F. 6(10)-R.I/45, dated the 3rd December 1945, 2nd February 1946 and the 4th September 1946.]

Audit Instruction.—The sanction of the competent authority for admitting daily allowance in excess of ten days would be necessary only when the number of full daily allowances drawn, inclusive of the half daily allowance under Supplementary Rule 76-A exceeds ten; but the daily or half daily allowances, if any, admissible for the days of travel covered by Supplementary Rule 74(*c*) should be excluded in calculating the ten daily allowances.

[Para. 14, Sec. II of Manual of Audit Instructions (Reprint).]

Auditor General's orders.—Menial servants employed in Auditor General's Office and the offices subordinate to him are exempted from the operation of Supplementary Rule 73.

[Ar. G's letter No. 223-N.G.E./47-29, dated the 2nd February 1929.]

Auditor General's decision.—It has been decided with the concurrence of the Government of India that in cases where an exemption is granted under the proviso to Supplementary Rule 73, the daily allowance (or ½ daily allowance under Supplementary Rule 76-A) should be reduced as laid down after 10 days' or 30 days' halt *including the day of arrival.*

This decision should apply in principle to all superior Government servants under the control of the Central Government where a system of reduction of daily allowance after a certain number of days' halt has been prescribed.

Auditor General's letter No. T-878-A/120-34, dated the 15th August 1934, to the Accountant General, Bengal, Auditor General's U. O. No. 407-A/228-38, dated the 30th September 1938 to the Accountant General, Posts and Telegraphs, New Delhi and Auditor General's letter No. 665-A/233/43, dated the 17th December 1943.]

Director General's orders.—The members of the Posts and Telegraphs Department are exempted from the operation of Supplementary Rule 73.

[D. G., P. & T's Memo. No. 280-B, dated the 8th December 1923.]

Director General's Instruction.—It has been decided with the concurrence of the Finance Department that, as a general rule, the reductions contemplated in the Government of India's decision (1) below this rule should henceforth be regulated as follows :—

(1) full rate for the first ten days ;

(2) three-fourth of the ordinary rate for the next twenty days ; and

(3) half the ordinary rate thereafter.

2. It has also been decided that, in cases in which special treatment can be justified, such as those mentioned in Government of India's decision (1) referred to above, the above orders may be relaxed by a competent authority. Whenever the rules are so relaxed, the reasons for which the reduced rates are not enforced should be intimated to the Audit Officer concerned who will report to the Director General any case in which he considers that the relaxation of the rule is not justified.

[D. G., P. & T's memorandum No. 8-249/21, dated the 28th September 1938.]

NOTE.—The above orders do not affect item (3) of the Rules for Grant of Allowances below rule 31 of the Supplementary Rules, regulating the travelling allowances of officials of the Department deputed to work in place of Extra Departmental Agents.

[Director General's memorandum No. 8-249/21, dated the 31st December 1938.]

S. R. 74. For the purposes of rules 71, 72 and 73 :—

(a) After a continuous halt of ten days' duration, the halting place shall be regarded as the Government servant's temporary headquarters.

(b) A halt is continuous unless terminated by an absence on duty at a distance from the halting place exceeding five miles for a period including not less than three nights.

(c) In calculating the duration of a halt, any day on which the Government servant travels or halts at a distance from the halting place exceeding five miles shall be excluded. On such a day the Government servant may draw daily allowance or exchange it for mileage allowance if admissible.

Government of India's decision.—In connection with a case in which an officer after full 31 days of halt on duty at an outstation proceeded on leave on average pay for 26 days and directly on the termination of leave resumed duty at the same halting station and remained there on halt for another 8 days, the Government of India have decided that for the purpose of S. R. 74 (*b*) absence on leave is not "absence on duty" and should not be regarded as an interruption of halt, but the whole period of 65 days (31+26+8) should be treated as one continuous spell of halt, leaving out the 26 days of leave from the calculation of daily allowance.

[G. I., F. D. U. O. No. 4565-E.IV/46, dated the 1st August 1946, to the A. G., C. R. received under G. I., F. D. U. O. No. 5104-E.IV/46, dated the 31st August 1946.]

Sub-Division ii.- Mileage allowance and actual expenses in place of or in addition to daily allowance.

Exchange of daily allowance for mileage allowance during the whole period of a tour.

S.R. 75. A competent authority may, by general or special order and on such conditions as it thinks fit to impose, permit any Government servant or class of Government servants to draw mileage allowance instead of daily allowance for the whole period of any absence from headquarters, if it considers that the nature of the Government servant's duty is such that daily allowance is not sufficient to cover his travelling expenses.

Exchange of daily allowance for mileage allowance on particular journeys.

S.R. 76. (a) Subject to any conditions which a competent authority may by general or special order impose, a Government servant in superior service may exchange his daily allowance for mileage allowance on any day on which

(i) he travels by railway or steamer or both, or

(ii) he travels more than 20 miles by road ;

provided that, if a continuous journey extend over more than one day, the exchange must be made for all such days and not for a part only of them.

NOTE. Short journeys within a radius of five miles from headquarters may not be added to other journeys, when calculating the distance travelled by road or the amount of mileage allowance admissible for road journeys.

(b) When a journey by road is combined with a journey by railway or steamer under clause (a) (i) of this rule :—

(i) Mileage allowance may be drawn on account of such journey by road, but such mileage is limited to the amount of daily allowance unless the journey by road exceeds twenty miles, and

(ii) unless such journey by road be a journey to or from the Government servant's headquarters [1][or temporary residence at a place of halt], mileage allowance shall be calculated on the distance actually travelled, without regard to the points fixed by or under rule 32.

Government of India's decision. —If actual places of duty fall outside the five-mile radius at the outstation, road mileage allowance, limited to daily allowance unless the journey by road exceeds 20 miles, may be allowed under S. R. 76 (*b*) (*ii*). But if places of duty are situated in localities within the five mile radius at the outstation, road mileage is admissible to and from the first place of duty only. The above distinction of the places within a five mile radius and beyond can be made as daily allowance is a uniform allowance for each day of absence from headquarters which is intended to cover the ordinary daily charges incurred by a Government servant in consequence of such absence. The ordinary daily charges can reasonably be held to include the cost of journeys within a radius of five miles from the place of halt. Thus a Government servant who halts at a place for a day and draws daily allowance will not be

[1][] Inserted by G. I., F. D. Correction No. 187 (S.R.), dated the 14th November 1931.

entitled to draw mileage for journeys within five miles of his camp. Similarly it may be held that when a Government servant arrives at his camp after making a railway journey and performs short journeys within five miles of his camp he is not entitled to any road mileage.

[Government of India, Finance Department U. O. No. 1609 R.I./43, dated the 10th June 1943.]

S.R. 76-A. As a partial exception to Rule 76, in the case of halts on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addi ion to mileage allow nce for journeys by rail, [1] [or by air], or by sea or river steamer, or by road, on the day of arrival of the Government servant at a place of hal., and on the day of departure, provided that no daily allowance will be admissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it [2][* * *] [3][or *vice versa*]. [4][This concession is also admissible to officers who are entitled to daily allowance for halts on tour but whose journeys re regul ted by rules 9?, 104, 1?0, 181-A and 182, whe her or not they draw mileage allowance for their journeys to and from the place of halt.]

NOTE.—[5][* * * *]

Audit Instructions.—

(1) When a Government servant's departure from one outstation A and arrival at another outstation B fall within the same calendar day, the natural interpretation of Supplementary Rule 76-A permits half daily allowance to be drawn twice over, once in respect of both the halt at A and once in respect of the halt at B. It should be noted, however, that Supplementary Rule 76-A being a partial exception to Supplementary Rule 76, the question of drawing half daily allowance for any halt under the rule does not, except to the extent specified in the second sentence of the rule, arise unless the halt is preceded or succeeded by a journey in respect of which a Government servant actually draws mileage allowance under S. R. 76.

[Para. 15 (i), Sec. II of Manual of Audit Instructions (Reprint).]

(2) S.R. 76 A does not contemplate the drawing of half daily allowances by Government servants for stopping at a place for any reason other than the performance of public duty. The criterion for admitting half daily allowances being whether any Government duty was performed at the outstation or not, no half daily allowance should be allowed to Government servants simply for stopping at a place for rest or for catching the next available train on the following day or resuming their journey by road towards their destination in continuation of the previous day's journey.

[Para. 15 (ii), Sec. II of Manual of Audit Instructions (Reprint).]

[1] [] Inserted by G. I., F. D. Correction No. 196 (S.R.), dated the 17th March 1932.

[2] [] Deleted with effect from the 1st January 1934.

[3] [] Inserted by G. I., F.D. Correction No. 400 (S.R.), dated the 10th October 1936.

[4] [] Inserted by G.I., F.D. Correction No. 565 (S.R.), dated the 1st September 1944.

[5] [] Deleted by G.I., F.D. Correction No. 565, (S.R.), dated the 1st September 1944.

(3) The expression 'same day' occurring in Supplementary Rule 76-A should be interpreted to mean 'same calendar day'. In the case of a Government servant whose absence from his headquarters in a place of halt does not exceed 24 hours but falls on two calendar days, half a daily allowance will be admissible for the first calendar day of the halt, provided railway fare or road mileage is drawn under Supplementary Rule 76 for the journey to the place of halt and for the calendar day of departure half a daily allowance will similarly be admissible provided the halt is followed by a journey for which mileage is drawn under Supplementary Rule 76.

[Para. 15 (iii), Sec. II of Manual of Audit Instructions (Reprint), as inserted by correction slip No. 52, dated the 1st April 1936.]

Auditor General's decision.—In view of the general responsibility of the controlling officer under Supplementary Rule 195, which is certainly not exhaustive of the ways in which a superior officer can deal with improper claims, there would be no practical advantage in, or justification for audit's demanding a formal certificate in terms of item (2) of the Audit Instructions below Supplementary Rule 76-A which would in effect indicate merely that the controlling officer has carried out his duties in a proper manner. In other words for the purpose of audit, the countersignature on a bill is sufficient evidence that a claim made under Supplementary Rule 76-A has been scrutinised and accepted as administratively correct, and that an audit officer as such has no specific responsibility under the Audit Instruction quoted above.

[Ar. G's endorsement No. T.-93-Admn.I/48-39, dated the 6th May 1939.]

S.R. 77. Subject to any conditions which a competent authority may by general or special order impose, a non-gazetted ministerial or menial Government servant may, for any day on which he travels by public or hired conveyance under a certificate from the head of his office that he is required to do so, exchange daily allowance for mileage allowance.

Travelling allowance admissible to a Government servant [1] [of the fourth grade.]

S.R. 78. The following conditions are applicable to a Government servant [1] [of the fourth grade] :—

(a) For a journey by railway, he may draw mileage allowance in addition to daily allowance.

(b) For a journey by sea or river steamer, he may draw travelling allowance under rule 58.

(c) For a journey by road, he may exchange daily allowance for mileage allowance if the journey exceeds 20 miles or the condition of rule 77 is fulfilled.

(d) For a journey by road combined with a journey by railway or by sea or river steamer, he may draw mileage allowance, limited as in rule 76 (b) (i) except as provided in rule 77, for

[1] [] Substituted for the words "in an inferior service" by G. I., F. D., Correction No. 346 (S.R.,) dated the 10th August 1935.

the road journey, in addition to the allowances admissible under clause (a) or (b) of this rule.

NOTE.—[1] [* * *].

Actual expenses of maintaining camp during a sudden journey away from

S.R. 79. A competent authority may permit any Government servant, who is compelled by a sudden emergency to leave his camp and travel rapidly on duty to a place more than twenty miles distant, to draw in addition to mileage allowance the actual cost of maintaining his camp, whether the camp be moved or not ; provided that the amount of actual cost drawn shall not exceed the daily allowance of his grade.

Actual expenses on first and last journey of an extensive tour.

S.R. 80 A Government servant, entitled to daily allowance, whose sphere of duty extends over a whole province may, when making a journey of more than one hundred miles to the first or from the last camp of an extensive tour, recover, in lieu of the daily allowance admissible for the days occupied by such journey, the whole necessary cost of the journey, including the cost of transportation of camp equipment and of servants, horses, motor-cars, motor-cycles, bicycles and private baggage on such scale as a competent authority may prescribe.

Actual expenses of conveying camp equipment, etc.

S.R. 81. (a) When a competent authority is satisfied that it is in the interests of the public service that a particular Government servant on tour should send his horses, camels, motor-cars, motor cycles, bicycles or camp equipment by railway or steamer, or by country craft when no steamer service exists capable of conveying the goods or animals or when such means of carriage is cheaper or more expeditious it may, by special order in each case, permit him to recover in addition to mileage allowance or daily allowance or both, the actual cost or part of the actual cost of transporting them.

NOTE 1. In the case of a motor-car, the cost of transporting a chauffeur or cleaner and for each horse the cost of transporting one syce and one grass-cutter may be drawn

NOTE 2. The term motor-cycle in this rule includes a side-car.

NOTE 3. When a motor car is transported by steamer, the actual cost of transporting it may for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues loading and unloading charges.

(b) A competent authority may by general or special order prescribe limitations on the weight of camp equipment and the number of conveyances and animals to be carried at Government expense under clause (a) of this rule by a particular Government servant or class of Government servants.

Government of India's orders.—

(1) The Government of India have delegated to Heads of Circles in the Indian Posts and Telegraphs Department the power to permit the recovery of the actual cost of conveying camp equipment, horses, camels motor cars, etc., under Supplementary Rule 81 (*a*), if the scale of camp equipment and the number of conveyances and animals to be carried at Government expense has been prescribed by the Director General, Posts and Telegraphs, under Supplementary Rule 81 (*b*)

[1] [] Deleted by G. I., F. D. Correction No. 189 (S.R.), dated the 11th December 1931.

The Heads of Circles should invariably obtain the Director General's orders whenever their own expenditure is involved.

[G. I., I. & I. D., letter No. 27-P.T.E., dated the 3rd July 1928.]

Note—The Head of circle may sanction the recovery of actual cost of conveying a bicycle under S. R. 81 (a).

[F. A's endorsement No. S.A.-357/32, dated the 21st April 1932.]

(2) The Governor General in Council has prescribed under Supplementary Rule 81 (*b*) the following scale of conveyances which officers of the Indian Posts and Telegraphs Department of different grades may carry at Government expense :—

Officers of the first grade	A horse or pony and a trap or tonga, or a motor car or a motor cycle, with or without a side car, or a bicycle
Officers of the second grade on scales of pay the maximum of which :—	
(a) is not less than Rs. 450 per mensem,	A pony or a motor car or a motor cycle, with or without a side car, or a bicycle.
(b) is less than Rs. 450 per mensem.	A pony or a motor cycle, with or without a side car, or a bicycle.
Officers of the third and fourth grades.	A bicycle.

[F.A., P. & T's. Endorsement No. SA/241-ES A 31 dated the 24th November 1932.]

(3) The Governor General in Council has decided that the distance to be travelled by rail or steamer or both by the officers of the Indian Posts and Telegraphs Department in order to be entitled to recover the cost of haulage of conveyance under Supplementary Rule 81 (*a*) should exceed 80 miles, except in cases where there are no roads connecting the two points.

[F.A., P. & T's. Endorsement No. SA/241-ES A 31, dated the 24th November 1932.]

Govt. servants whose duties require them to travel constantly by railway.

S.R. 82. (a) **The following provisions are applicable to :—**

(i) officers and men of railway police ;

(ii) Government servants, other than train staff or running establishment, attached to open lines of State railways, including medical subordinates ;

(iii) Government inspectors of railways and their establishments ;

(iv) permanent way inspectors temporarily transferred from open lines to unopened construction lines, to whom the Railway Board may declare them to be applicable ; and

(v) any other Government servant or class of Government servants, whose duties involve constant travelling by railway, to whom a competent authority may declare them to be applicable.

(b) When such a Government servant makes a journey by railway on tour :—

(i) [1] [He is entitled to a free pass under the free pass rules of the Railway].

[1] [] As revised by G. I., F.D. Correction No. 447 (S.R.), dated the 1st May 1938.

(ii) He may draw daily allowance for any day on which he is absent from his headquarters for more than eight consecutive hours.

(iii) He may not exchange for mileage allowance the allowances admissible under sub-clauses (i) and (ii) of this clause.

(iv) If he combines with a railway journey a journey by steamer or road, he may, if he travels to a place distant at least five miles from the point where he leaves the railway or returns to the railway from a place similarly distant, draw mileage allowance for the journey by steamer or road, in addition to daily allowance, if any, admissible under this rule or under rule 58 ; provided that the time spent on the journey by steamer or road shall be deducted in calculating the duration of his absence from his headquarters.

Government of India's decisions—

(1) It has been decided by the Governor General in Council under Supplementary Rule 82 (*a*) (*v*), that the concession by which railway privilege passes are granted to officers of the Indian Audit Department, serving in the Railway Audit Branch, will be admissible only to those officers of the Indian Audit Department who entered that Department before 1st January 1934 subject to the conditions and limitations prescribed in the Railway Board's letter No. 4379-T., dated the 19th July 1933.

[G. I., F. D. letter No. F.30 (9)-Ex. 1/33, dated the 22nd June 1934, to the Auditor General in India.]

(2) See Government of India's decision below Supplementary Rule 132.

[G. I., F. D. endorsement No. F-23(11)Ex.II/40, dated the 15th August 1940.]

Inspectors of maintenance on State railways.

S.R. 83. The provisions of rule 82 apply to inspectors of maintenance on State railways ; provided that, in their case, the period of absence from headquarters by which daily allowance may be earned is a period of more than four hours between 9 p.m. and 5 a.m. Before daily allowance can be drawn, the controlling officer must certify that the inspector was so absent in special circumstances.

Railway and Telegraph servants travelling on unopened line of railway.

S.R. 84. (a) A Government servant of the Telegraph Department or of a State railway, unless he be a member of the Government Inspectors' Department or attached to an open line of railway, when travelling on an unopened line by trolly, material train or engine, draws, in addition to the actual cost of haulage, if any, the following special mileage allowance for each mile travelled :—

(*i*) *If a Government Servant of the first grade*	.. *1½ annas*;
(*ii*) *If a Government Servant of the second grade*	.. *9 pies*.
(*iii*) *If a Government Servant of the third or fourth grade*	.. *8 pies*.

(b) The allowances prescribed in clause (a) of this rule are intended to meet the entire cost of travelling, and no other allowance may be drawn in lieu of or in addition to them except in the following cases :—

(i) When the Government servant travels more than twenty miles, partly by road and partly by trolly, etc., he may draw mileage allowance under clause (b) of rule 76, rule 77 or rule 78 for the journey by road in addition to the special mileage allowance for the journey by rail.

(ii) When he travels not more than twenty miles, partly by road and partly by trolly, etc., he must draw daily allowance for the whole journey in lieu of the special mileage allowance ; provided that :—

(1) If the special mileage allowance admissible exceeds his daily allowance he may draw the special mileage allowance.

(2) If the conditions of rule 77 are fulfilled, he may draw mileage allowance under that rule for the journey by road in addition to special mileage allowance.

(iii) When he remains absent from his headquarters for a night, he may, at his option, draw daily allowance in lieu of any mileage allowance that is admissible under clause (a) of this rule.

(iv) When the conditions of rule 79 are fulfilled, he may draw actual cost under that rule in addition to any other allowance that is admissible under this rule.

Postal

S.R. 85. The following provisions apply to [1] [* * * *] Superintendents and Inspectors of the Railway Mail Service, when they travel on duty by railway within the limits of the lines to which they are attached :—

(a) For a journey by railway, they are entitled to free conveyance and may draw in addition a single fare of the lowest class for one servant on their certifying that the fare was actually paid.

(b) For a continuous absence from headquarters of not less than six hours, they may draw daily allowance in addition ; provided that, when the six hours fall partly in one and partly another calendar day, they may earn further daily allowance by another journey for one only of the two days.

(c) For a journey by road combined with a journey by railway they may draw mileage allowance, irrespective of the distance travelled ; provided that the time spent on such journey shall be deducted in calculating the duration of absence from headquarters.

[1] [] The words "Deputy Postmasters General" deleted with effect from the 1st April 1929 by G.I., F. D. Correction No. 874(S.R.), dated the 10th Fe

Government of India's Orders.—Superintendents and Inspectors of R.M.S., when travelling by road, either wholly or in combination with railway journeys, are entitled, for the road journey, to ordinary mileage allowance under Supplementary Rules 45, 46 and 48. This allowance will be in addition to the daily allowance admissible for journeys by railway under Supplementary Rule 85, but in calculating the duration of absence from headquarters, the time spent on the road journey must be neglected.

(This order takes effect from 1st January 1934.)

[F. A., P. & T's Memo. No. S-249/3, dated the 29th June 1934.]

Government of India's decision.—It has been decided by the Government of India that the special rate of daily allowance of Rs. 3 admissible to Inspectors of the Railway Mail Service under item 25 of Appendix 18 to the Posts and Telegraphs Compilation of Fundamental and Supplementary Rules, 2nd Edition (Revised), Volume II, should be treated as the ordinary rate for the purpose of Note 1 below Supplementary Rule 56 and that the percentage increases on this special rate are admissible for halts in localities in which such increases are prescribed in Appendix 18-A, *ibid.*

[G. I., F. D. U/O. No. 1256-R. I/40, dated the 17th July 1940, and Auditor General's U/O. I. No. T-666-A/204-40, dated the 13th August 1940.]

N. B.—It has been decided in consultation with the Finance Department that there should be no objection to allowing the Superintendent, R.M.S. and other members of the R.M.S. Staff to draw daily allowance at the enhanced rate admissible in special localities shown in Appendix 18-A of the Fundamental and Supplementary Rules, Volume II, on days of halts connected with railway journey.

[D. G., P. & T's endorsement No. S-250-72/41, dated the 24th October 1942.]

S. R. 86. An Inspector of Post Offices may not exchange daily allowance for mileage allowance on journeys by road. When travelling by railway, by sea or by river steamer, he may draw, in addition to his daily allowance, a single fare of the class to which his grade entitles him and a single fare of the lowest class for one servant, if actually paid. Daily allowance is, however, not admissible when an inspector avails himself of board provided on a steamer, the cost of which is included in the cost of the fare.

Government of India's decisions—

(1) The Governor General in Council is pleased to decide that the concessions admissible to the Inspectors of Post Offices under this rule should also be allowed to the Investigating Inspectors, Wireless.

[D. G., P. & T's Memorandum No. 985-Est./A-30, dated the 9th March 1931.]

(2) The Governor General in Council has decided that the travelling allowance of Food Inspectors in the Bengal and Assam Circle should be regulated under the same rules and at the same rates as are applicable to Inspectors of Post Offices.

[F. A. (C's) Endorsement No. S. R.-249-I/44, dated the 9th March 1944.]

[1] S.R. 86-A. As a partial exception to Rule 86, an Inspector of Post Offices may, in cases where two stations are connected by railway as well as by public motor service, claim, in addition to his daily allowance, the actual fare paid to the motor company for himself and his [2][servant] subject to the condition that in no case should the motor fare exceed the railway fare claimable under the preceding rule.

Director General's Instructions.—*See* item (2) of the Director General's instructions below Supplementary Rule 176.

Survey of India Department.

S.R. 87. (a) Except as provided in clauses (b) and (c) of this rule, a Government servant of the Survey of India Department may not exchange daily allowance for mileage allowance for a journey in the field.

(b) With the sanction in each case of the Surveyor General or administrative superintendent, a Government servant in the Survey of India Department may be granted the following concessions :—

(i) He may exchange his daily allowance for mileage allowance under rule 76 for a journey in the field if he is required to travel by public or hired conveyance or if he is employed on special duty.

(ii) Whenever his actual travelling expenses for a journey to or from the field, or for any other journey on which he has to travel with camp equipment, exceed the mileage allowance calculated for the journey under the ordinary rules, he may draw such actual expenses in place of daily allowance. In calculating actual expenses, he may include the cost of transporting, whether by public or hired conveyance or otherwise, both himself and such scale of servants, baggage and camp equipment as the Governor General in Council may prescribe ; provided that—

(1) in applying this rule a journey must be treated as a whole, and a Government servant may not draw actual expenses for a part of a journey and mileage allowance for the remainder ; and

(2) actual expenses may not be drawn under this rule for a journey in the field by road only unless the conditions of sub-clause (i) of this clause are fulfilled.

(iii) Whenever, for such part of a month as he spends in the field, the actual cost of carrying camp equipment and baggage on the scale prescribed under sub-clause (ii) above exceeds half the amount of daily allowance admissible for the month, he may retain half of his daily allowance and exchange the other half for such actual cost.

[1] This new rule was inserted by G. I., F.D. Correction No. 176, (S.R.), dated the 20th May 1931.

[2] [] Substituted for " orderly " by G. I., F.D. Correction No. 488 (S.R.), dated the 1st May 1938.

(c) Actual expenses under clause (b) of this rule must be drawn on a bill prepared in detail and countersigned by the sanctioning authority.

Geological Survey of India.

[1]S.R. 88. (a) (i) Except as provided in clause (ii) of this rule a Government Servant of the Geological Survey of India Department may not exchange daily allowance for mileage allowance for a journey in the field.

(ii) With the sanction in each case of the Director of the Geological Survey, a Government servant of the Geological Survey of India Department may be granted the concessions specified in sub-clauses (i) (ii) and (iii) of Clause (b) of rule 87 on the conditions prescribed in clause (c) of that rule.

[2](b) The Director of the Geological Survey may permit, in any particular case on public grounds, a Government servant of the Geological Survey of India Department, at the beginning or the end of a field season, to send a portion of his servants, baggage and camp equipment by the direct route to or from the field, when he himself travels by another route in order to undertake an economic or engineering enquiry or inspection work on the way, and to recover the actual cost of transporting such servants, baggage and camp equipment not exceeding the scale permissible under Rule 87 (b) (ii), in addition to travelling allowance admissible under the rules for the journey undertaken by himself.

S.R. 88-A. As a partial exception to rules 87 and 88, in the case of halts on tour, half the daily allowance ordinarily admissible under these rules may be drawn in addition to mileage allowance or actual expenses as the case may be, on the day of arrival of the Government servant, at a place of halt and on the day of departure, provided that no daily allowance will be permissible in respect of a place of halt from which a Government servant departs on the same day on which he arrived at it [3][or *vice versa*]. [4][* * * * *].

[5]S.R. 88-B. (a) Members of the Bengal Pilot Service, Calcutta, may draw actual travelling expenses for joining or leaving ships at Garden Reach, Budge Budge and Diamond Harbour up to the following maxima :—

	Garden Reach.			Budge Budge.			Diamond Harbour.		
	Rs	a.	p.	Rs.	a.	p.	Rs.	a.	p.
Leadsmen	2	8	0 each way.	6	0	0 each way.	8	0	0 each way.
Mate Pilots	2	8	0 do.	6	0	0 do.	8	0	0 do.
Master and Branch Pilots ..	3	0	0 do.	7	8	0 do.	10	0	0 do.

NOTE.—Actual travelling expenses in the case of Branch, Master and Mate Pilots or joining or leaving ships at Garden Reach will be admissible only when they are ordered by the Principal Officer Mercantile Marine Department, Calcutta District, Calcutta, to proceed to the Sandheads to supply the Pilot Station or *vice versa* to Calcutta to reinforce the Town List.

[1]As amended by G. I., F. D. Corrections Nos. 549 (S.R.), dated the 1st January 1943 and 562 (S.R.), dated the 1st March 1944.

[2]This sub-rule inserted by G. I., F. D. Correction No. 462 (S.R.), dated the 1st November 1938 has effect from the 22nd June 1938.

[3][] Inserted by G. I., F. D. Correction No. 400 (S.R.), dated the 10th October 1936.

[4][] Deleted by G. I., F. D. Correction No. 400 (S.R.), dated the 10th October 1936.

[5]This new rule was inserted by G. I., F. D. Correction No. 253 (S.R.) dated the 4th November 1933.

(b) A competent authority may allow actual travelling expenses to members of the Bengal Pilot Service for joining or leaving ships at any place in pilotage waters other than those mentioned in clause (a) of this rule.

Sub-Division (iii).—Travelling allowance admissible for journeys and halts within five miles of headquarters.

Conveyance hire.

S.R. 89. A competent authority may, by general or special order permit any Government servant or class of Government servants to draw the actual cost of hiring a conveyance on a journey for which no travelling allowance is admissible under these rules.

[*For a list of special cases in which conveyance hire has been granted, see Appendix 20 in Volume II of this Compilation.*]

Government of India's decisions—

(1) Supplementary Rule 89 is designed, as was Article 1082 of the Civil Service Regulations, to cover cases in which it is equitable to allow Government servants to draw the actual cost of conveyance where the circumstances are not exactly covered by any other existing rule. It is, therefore, applicable to cases in which a Government servant's transfer from one office to another within the same station is accompanied by a change in residence.

[G.I., F. D. U. O. Dy. No. 3850-C; S.R. dated the 17th September 1927.]

(2) When a non-gazetted or inferior Government servant is despatched on duty to a place at some distance from his office, or is summoned to his office by a special order of a Gazetted Officer outside the ordinary hours of duty, the expenditure involved may be paid by Government and charged to contingencies provided—

(*a*) that the head of the office certifies that the expenditure was actually incurred, was unavoidable, and is within the scheduled scale of charges for the conveyance used;

(*b*) that the Government servant concerned is not entitled to draw travelling allowance under the ordinary rules for the journey, and that he is not granted any compensatory leave and does not and will not otherwise receive any special remuneration for the performance of the duty which necessitated the journey.

[G. I., F. D. letter No. D-2841-Ex. II, dated the 18th July 1935.]

(3) The Governor General in Council is pleased to sanction the grant, as a special case, to the non-gazetted members of the inspecting staff of the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, of actual travelling expenses incurred by them on each occasion in connection with the annual inspection of the accounts of the office of the Divisional Engineer, Telegraphs, Delhi Division, in the Eastern Hostel building, New Delhi; subject to the condition that the expenses will not exceed the mileage admissible for the distance between the office of the Deputy Accountant General, Posts and Telegraphs, Delhi (Old Imperial Secretariat buildings), and the Divisional Engineer's office.

[G. I., F. D. letter No. F.-30(11)-Ex.I/33, dated the 9th October 1933.]

(4) The Governor General in Council is pleased to sanction the grant, as a special case, to the non-gazetted Inspecting staff of the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, of actual travelling expenses incurred by them on each occasion in connection with the annual inspection of the accounts of the office of the Superintendent-in-Charge, Central Telegraph Office, in the Eastern Court building, New Delhi; subject to the condition that the expenses will not exceed the mileage admissible for the distance between the office of the Deputy Accountant General, Posts and Telegraphs, Delhi (Old Secretariat Buildings) and the Central Telegraph Office, New Delhi.

[G. I., F. D. Endorsement No. F. 5 (95)-R.I./40, dated the 27th September 1940.]

(5) The Governor General in Council is pleased to sanction the grant, as a special case, to the non-gazetted Inspecting staff of the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, of actual travelling expenses incurred by them on each occasion in connection with the annual inspection of the accounts of the New Delhi Sub-Post Office subject to the condition that the expenses will not exceed the mileage admissible for the distance between the office of the Deputy Accountant General, Posts and Telegraphs, Delhi (Old Secretariat Buildings) and New Delhi Sub-Post Office.

[G. I., F. D. Endorsement No. F. 5 (127)-R.I./42, dated the 31st October 1942.]

(6) The Governor General in Council is pleased to sanction the grant, as a special case, to the non-gazetted Inspecting staff of the office of the Deputy Accountant General, Posts and Telegraphs, Delhi, of actual travelling expenses incurred by them on each occasion in connection with the inspection of the accounts of the office of the Installation Engineer, All India Radio, New Delhi, subject to the condition that the expenses will not exceed the mileage admissible for the distance between the office of the Deputy Accountant General, Posts and Telegraphs, Delhi (Old Secretariat Buildings) and the office of the Installation Engineer, All India Radio, New Delhi.

[G. I., F. D. endorsement No. F. 5(68) R.I./143, dated the 20th August 1943.]

(7) The Governor General in Council has delegated to the countersigning authorities subordinate to the Head of a Circle, the power to permit re-imbursement of the actual cost of hiring a conveyance up to a limit of Rs. 5 in each case, in respect of the officials under their control, who are deputed within a radius of 5 miles from one office to another to work in vacancies caused by the absence of officials—

(*i*) on casual leave,

(*ii*) attending Court as witnesses, and

(*iii*) appearing at Departmental Examinations.

[F. A., P. & T's Endorsement No. S. A. 357/32, dated the 4th January 1933.]

(8) The Governor General in Council is pleased to direct that, with effect from the 1st September 1937, a First Class Head Postmaster (including an Inspecting Postmaster in the Postmaters' Service, Class II), who is not provided with a conveyance at Government expense, may

be permitted to claim travelling allowance for journeys performed by him within a radius of five miles from his headquarters at the following rates :—

(i) When he uses his own—	
Motor car . .	Annas three a mile.
Motor cycle . .	Anna one and six pies a mile.
(ii) When he hires a conveyance	Actual cost of hire of the whole or part of a conveyance subject to a limit of annas four a mile.

Only journeys undertaken for the following purposes shall come within the scope of this order :—

(1) Visits to post offices in connection with regular inspections ;

(2) Visits to post offices along with the Postmaster General ;

(3) Visits paid for checking work in any particular office, when necessary ;

(4) Visits to Police and District authorities in connection with departmental work ; and

(5) Visits for selection of sites for buildings and letter boxes.

[F. O., P. & T's endorsement No. S. 266/5/35, dated the 6th August 1937.]

(9) In partial modification of item (8) (ii) of the Government of India's decision above the Governor General in Council is pleased to direct that in view of the special conditions prevailing at Simla, the Postmaster at that station, who is not provided with a conveyance at Government expense, may be permitted to draw the actual cost of hiring a conveyance for journeys undertaken for the purposes mentioned therein subject to the conditions enumerated below :—

(1) that the Postmaster General, should keep a special watch on the Postmaster's weekly diaries showing the visits and inspections made by him with a view to checking unnecessary journeys ;

(2) that the expenditure involved on this account should be met from within the Postmaster-General's existing budget allotment ; and

(3) that the case should not be regarded as a precedent for extending the concession to the Postmasters at other stations.

[F. O. (C's) endorsement No. S.-254/2/38, dated the 27th October 1938.]

(10) The Governor General in Council has had under consideration the question of granting the actual cost of hiring a conveyance, under Supplementary Rule 89, to Government servants in the Posts and Telegraphs Department, whether gazetted or non-gazetted, for journeys performed by them on duty within a radius of 5 miles from their headquarters for which no travelling allowance is admissible under the Supplementary Rules. He has now been pleased to decide that the concession provided for in this rule should be allowed by the authority to whom the power under this rule is delegated only in those cases in which it is definitely established, after taking into account the pay, etc., of the

Government servants concerned, that the refusal to grant it would result in a burden to them. For instance, in the case of touring officers, the mileage and daily allowances drawn by them for long journeys taken as a whole, should be sufficient ordinarily to cover the cost of their short journeys within a radius of 5 miles from their headquarters. The grant of the concession provided for in Supplementary Rule 89 is intended to be an exception rather than a normal rule and it should be allowed only in cases presenting special features.

It may be made clear in this connection that Supplementary Rule 89 is not applicable to cases in which journeys are performed in the officer's own conveyances. These orders do not, however, affect item (8) of the Government of India's decisions below this rule regulating the travelling allowance of first class Head Postmasters (including an Inspecting Postmaster in the Postmasters' service, class II) for journeys performed within a radius of 5 miles from their headquarters.

[F. O.(C's) endorsements No. S-250/50, dated the 24th August 1938, No. S-250/50, dated the 18th October 1938 and No. 250/50/38, dated the 2nd October 1939.]

Director General's orders—

(1) It has been decided that the conveyance hire claimed by the Investigating Inspectors of Post Offices should not in future be treated as contingent expenditure but should be drawn in travelling allowance bill form.

[D. G., P. & T. No. 158-B/24, dated the 23rd May 1925.]

(2) *See* clause (b) of Director General's Instruction (2) below S. R. 114.

Ferry charges, tolls and railway fare.

S.R. 90. A Government servant travelling on duty within five miles of his headquarters is entitled to recover the actual amounts which he may spend in payment of ferry and other tolls and fares for journeys by railway or other public conveyance.

Actual expenses of maintaining camp equipage during a halt at headquarters.

S.R. 91. On the following conditions and any other conditions which it may think fit to impose, a competent authority may, by general or special order, permit any Government servant or class of Government servants to recover the actual cost of maintaining camp equipage during a halt at headquarters or within five miles of headquarters or during the interval between the Government servant's departure from or arrival at headquarters and that of his camp equipage.

(a) The amount drawn, together with any amounts recovered under rule 90, should not exceed the daily allowance of his grade.

(b) The period of the halt or interval for which it is granted should not exceed twenty-one days in Sind or Rajputana or ten days elsewhere. An absence on duty from the halting place for less than three nights should not be treated as interrupting the halt or interval.

(c) The Government servant must certify that he has maintained the whole or part of his camp equipage during the halt or interval and that the expense of maintenance has not been

less than the amount drawn. In the case of a non-gazetted or menial servant, the head of the office must certify that such maintenance was necessary.

Sub-Division (iv)—Special rules for high officials.

High officials travelling by reserved railway accommodation.

S.R. 92. When a Government servant for whom special railway accommodation is provided or who is entitled, under these rules, to reserve railway accommodation by requisition, travels in such reserved accommodation on tour :—

(a) the entire cost of haulage is borne by Government.

(b) Unless it be otherwise expressly provided in this sub-section—

[1](i) Any person travelling with the Government servant in the reserved accommodation must pay the usual fares to the railway by the purchase of first class tickets, and in every bill for travelling allowance in respect of a journey performed in reserved accommodation the Government servant reserving the accommodation must specify the number of persons who travelled with him and certify that necessary tickets were purchased by them,

(ii) if the Government servant desires additional accommodation for his staff or luggage, he must make arrangements with the railway administration for the provision of such accommodation, the haulage and other charges being met at his expense or, in the case of His Excellency the Viceroy and Governor General, from his contract allowance ;

(iii) the Government servant is entitled to draw no travelling allowance for the journey unless he be entitled to permanent travelling allowance.

Government of India's decisions—

(1) A Personal Assistant, a stenographer or a clerk holding a ticket for the class of accommodation in which he is entitled to travel according to his grade under the Supplementary Rules may travel with a high official in his reserved accommodation, but in that case the high official will have to certify, under Supplementary Rule 92 (b) (i), in the bill for travelling allowance that it was in the interests of public service that the Personal Assistant, stenographer or clerk should have travelled with him in the reserved accommodation and that the Personal Assistant, stenographer or clerk actually purchased a ticket of the class of accommodation to which he was entitled. In such a case, the cost of the said ticket will not be deducted from the charge on account of haulage of reserved accommodation payable to the Railway.

[G. I., F. D. letter No. F. 5(86)-R.I./38, dated the 20th July 1938, to the A. G. C. R. New Delhi.]

[1] This revised sub-clause has effect from the 1st May 1934.

(2) All expenditure, including the cost of telegrams, incurred in connection with the reservation of accommodation in trains, etc., by Government officials when travelling on duty should be borne by the officer concerned and should not be charged to Government. This decision will not, however, apply to those Government servants who are entitled to be provided with accommodation on railway journeys under Section XXI of Chapter IV of the Supplementary Rules.

It has been further decided that the cost of reserving living accommodation should in no case be debited to Government.

[G. I., F. D. Endorsement No. D-733-F./41, dated the 19th February 1941.]

S. R. 93. Clause (b) (i) of rule 92 does not apply to His Excellency the Viceroy and Governor General.

Members of the Executive Council of the Governor General.

S.R. 94. If it is impossible for a member of the executive council of the Governor General, when travelling by railway on duty, to arrange to travel by a train which is not a mail train, and if the railway authorities are unable to attach his reserved carriage to a mail train, he is entitled to order a special train at the expense of Government.

S.R. 95. (a) A member of the executive council of the Governor General, when travelling by railway on duty, is entitled, without payment to—

(i) accommodation for personal servants up to a maximum number of ten, and

(ii) free carriage of all luggage for which he vouches as his personal luggage, including stores carried for consumption on tour whether carried in the luggage van of the train to which his reserved carriage is attached or sent by any other train.

(b) Freight charges for goods and for stores other than those covered by clause (a) of this rule must be met by the member himself.

Government of India's orders.—Under Sub-clause (i) of clause (a) of Supplementary Rule 95, the inferior Government servants accompanying a member of the executive council of the Governor General and travelling in the railway saloon shall not be required to purchase tickets if their number together with that of the member's personal servants does not exceed ten.

[G.I., F.D. Endorsement No.F.-5(18)-R.I./41, dated the 19th February 1941.]

S.R. 96. A member of the executive council of the Governor General when travelling on tour, may recover the cost of carrying a motor-car under the conditions specified in rule 81 ; provided that the Governor General in Council is satisfied that the car has been employed, for all practical purposes, only as a means of performing, in the public interest, a journey off the line of railway. In cases where the presence of his car with the member has, apart from the advantages to Government of the particular tour or journey, saved him expense in hiring a conveyance or served his personal convenience to an appreciable extent, he must

pay one-fifth of the cost of carriage.

S. R. 97. A member of the executive council of the Governor General, when travelling on duty by road or steamer, may recover his actual travelling expenses, appending to his bill a certificate to the following effect :—

"I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any stores or goods, other than any personal luggage, or any charge for refreshments, hotels or staging bungalows."

For the purposes of this rule, stores carried for consumption on tour may be treated as personal luggage.

[1]S. R. 97-A. (a) A member of the Executive Council of the Governor General, may in the public interests travel by air either in a regular air service machine if a suitable one is available or, if not, in an air taxi hired for the occasion, and may recover in respect of such journeys, the air-fare (except when it is paid by Government direct to the Company) together with the cost of transporting up to a maximum of six maunds of luggage by road, rail or steamer (at passenger rates and at owner's risk in the case of a railway journey) and railway or steamer fares without diet of the lowest class for two servants, appending to his bill a certificate to the following effect :—

"I certify that I have actually paid the amount of this bill and that it does not include any charge for the freight of any stores or goods, other than my personal luggage, or any charge for refreshments, hotels or staging bungalows, other than what is included on that account in the air-fare itself".

if he makes a return journey by air he should purchase a return ticket if this involves a saving. In the case of an air journey performed as a part of, or as a link in, a railway journey, he is entitled to the usual concessions for servants and luggage as for a railway journey.

[2](b) A member of the Executive Council of the Governor General when making a journey by air in a Government machine or in a machine chartered by Government for the purpose, shall pay a first class full or half railway fare, as the case may be, to Government on behalf of each person not entitled to travel in that machine who may accompany him. If a number of the Executive Council wishes to take with him any non-entitled person in a Government machine or a machine chartered by Government, he should obtain the sanction of the Governor General in Council who will satisfy himself in each case that no expenditure to Government is caused thereby.

[3]S. R. 97-B. (1) Subject to the provisions of sub-rule (2) of this Rule, the Hon'ble Members of the Executive Council of the Governor General

[1] Inserted by G.I., F.D. Correction No. 340 (S.R.), dated the 10th July 1935.
[2] As revised by G.I., F.D. Corrections Nos. 588 (S.R.), dated the 1st September 1946, and 591 (S.R.), dated the 1st December 1946.
[3] Inserted by G.I., F. D. Correction No. 590 (S. R.), dated the 1st December 1946.

will be entitled to draw daily allowance during their halts on tour at the following rates :—

(a) a daily allowance of Rs. 30/- when they do not stay in their saloons ; and

(b) a daily allowance of Rs. 15/- when they stay in their saloons.

Provided that on the days of arrival at and departure from the place of halt only half the daily allowance will be admissible, but no half daily allowance will be admissible in respect of a place of halt from which an Hon'ble Member departs on the same day as that on which he arrived at or *vice versa*.

The half daily allowance is admissible in addition to the actual travelling expenses which an Hon'ble Member may claim in respect of travel on that day outside the place of halt before arrival at the place of halt, or after departure from it, or under Supplementary Rule 101.

(2) For each continuous halt on tour exceeding 10 days, daily allowance will be admissible—

(a) at the rate specified in sub-rule (1) above, for the first 10 days ;

(b) at three-fourths of those rates for the succeeding 20 days, and

(c) at half of those rates thereafter.

(3) A halt on tour shall be treated as continuous unless terminated by an absence at a distance from the halting place exceeding five miles for a period including not less than seven nights.

Audit Instruction.—For facility of audit, it should be made clear in the travelling allowance bills of the Hon'ble Members that the actual travelling expenses drawn for the day of departure from or arrival at a place of halt do not include any such expenses incurred during that day before departure from or after arrival at the place of halt in respect of which the half daily allowance is drawn.

[Para 15-A, Sec. II of the Manual of Audit Instructions (Reprint)].

S. R. 98. *Cancelled.*

S. R. 99. *Cancelled*

Political residents of the first class.

S. R. 100. A political resident of the first class, when travelling by railway in a reserved ordinary first class carriage, may recover, if travelling within his sphere of duty, the actual cost of conveying servants up to a maximum number of twelve and of luggage up to 25 maunds. [1][When he travels to or from any place which is beyond his sphere of duty], the limit of servants is four and of luggage 10 maunds.

[1][] Substituted for the words "when travelling outside his sphere of duty" by G.I., F D. Correction No. 199 (S.R.), dated the 11th May 1932.

Government servants who are entitled to reserve by requisition a first class compartment.

S. R. 101. A Government servant who is entitled, under rule [1][167 (b)], 170 or 171, to reserve by requisition a first class compartment, may recover, when travelling by railway in such a compartment, his actual travelling expenses up to a maximum of [2][1½] first class fare.

[3]NOTE—For a journey on the Assam Bengal and Dibru Sadiya Railways actual travelling expenses may be recovered up to a maximum of ½ of the Upper class fare.

The Chief Engineer with the Railway Board.

S. R. 102. The Chief Engineer with the Railway Board, when travelling by railway in reserved accommodation, may draw the allowances prescribed in rule 82(b) (ii), (iii) and (iv).

The Political Resident at Baroda.

S. R. 103. The Political Resident at Baroda, when touring by railway, may recover the actual cost of transporting two horses, if he is visiting outlying districts where local arrangements cannot be made for supplying means of travelling by road.

Amount of luggage admissible.

S. R. 104. Except where otherwise expressly provided in these rules, the amount of luggage which may be transported, free of cost, by a Government servant travelling in reserved accommodation, is the amount covered by the number of tickets which a member of the public would have to purchase in order to reserve such accommodation.

SECTION X.—JOURNEY OF A NEWLY-APPOINTED GOVERNMENT SERVANT TO JOIN HIS FIRST POST.

General rule.

S. R. 105. Except as otherwise provided in this section, travelling allowance is not admissible to any person for the journey to join his first post in Government service.

[4]S. R. 105-A. A competent authority may permit any person whether appointed to a temporary or a permanent post in Gilgit or outside India, to draw travelling allowance for the journey to join his first post in Government service.

[5]S. R. 105-B. The Surveyor General of India or a Director of the Survey of India may grant such rail and steamer fares as he considers necessary to a Khalasi or other inferior servant on enlistment for his journey to the Field Headquarters.

Exception.

S. R. 106. [6][* * *].

[Concession to persons re-employed in Government service.

S. R. 107. When a pensioner, or a Government servant who has been thrown out of employment owing to a reduction of establishment or the abolition of his post, is reappointed to Government service, the authority which sanctions his reappointment may [7][in cases other than those

[1] [] Inserted by G.I.,F.D. Correction No. 590 (S.R.), dated the 1st December 1946.
[2][] Substituted for "¾" with effect from the 1st October 1931.
[3] Inserted by G.I.,F.D. Correction No. 525 (S.R.), dated the 1st May 1941.
[4] This new rule has effect from the 12th August 1932.
[5] This new rule inserted by G.I.,F.D. Correction No. 429 (S.R.), dated the 1st November 1937 has effect from the 12th August 1932.
[6][] Deleted by G.I.,F.D. Correction No. 216 (S.R.), dated the 12th August 1932
[7][] Inserted with effect from the 12th August 1932.

covered by rule 105-A] permit him to draw travelling allowance for so much of his journey to join his new post as falls within India.

Director General's Instruction.—The *ex*-soldiers pensioned or thrown out of employment owing to reduction of establishment or the abolition of their posts who may be appointed in the Posts and Telegraphs Department may, under Supplementary Rule 107 read with Supplementary Rules 112 and 113, be allowed to draw only a single third class railway or steamer fare for their journey from the place of entertainment to the place of employment.

[D.G., P. & T's letter No. S-A-17(18)/30, dated the 22nd July 1932.]

Concession to persons joining by sea.

S. R. 108. When a person is appointed to a post in Government service which he cannot join except by sea, a competent authority may grant him a free passage by sea from one part of India to another such part.

Concession to subordinates recruited for the Andamans.

S. R. 109. When a person is appointed in India to subordinate Government service in the Andaman or Nicobar Islands, the authority making the appointment may grant him a free passage by sea for himself and family.

S. R. 109-A. The following rules apply to members of the Police Force in the Andaman and Nicobar Islands :—

Deck passages without diet by sea or river steamer and third class accommodation by rail are admissible—

(a) To the families of subordinate officers (including Subadar Majors, Subadars and Jemadars) for the initial journey to Port Blair on payment of one-third of the passage money and railway fare.

(b) To the families of non-commissioned officers and men who have received permission from the Commandant of the Force to bring their families to the Andamans for the initial journey free of charge.

NOTE 1.—(The Commandant's power to give such permission is limited to [1][40] per cent of the total strength of non-commissioned officers and men.)

NOTE 2.—(The term "family" for the purpose of this rule includes, bedsides children and one wife, one relative.)

Concession to members of the executive council of the Governor General.

S. R. 110. When a person not already in Government service is appointed to be a member of the executive council of the Governor General he is entitled, when travelling by railway to join his post, to the concession described in rule 117.

Concession to persons appointed in Europe.

[2]**S. R. 111.** Any person appointed, while resident in Europe, by the Secretary of State or by the High Commissioner for India in London on behalf of the Governor General in Council to Government service in India, may draw mileage allowance for the journey to join his first post from any

[1] [] Substituted for "12" with effect from the 21st March 1939 by G.I., F.D. Correction No. 477 (S.R.), dated the 1st May 1939.

[2] As revised by G.I., F.D. Correction No. 536 (S.R.), dated the 1st March 1943.

Port in India at which he may, with the permission of the authority appointing him, disembark.

Rates of travelling allowance under this section.

S. R. 112. Travelling allowance under [1][rules 105-A and 107] should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

S. R. 113. When mileage allowance is drawn under rules [2][105-A], 107 and 111, the rate admissible is that of the grade to which the Government servant will belong after joining his post.

Government of India's orders.—Please see item (2) of "Government of India's orders" under S. R. 18.

SECTION XI.—JOURNEYS ON TRANSFER.

General conditions of admissibility.

S. R. 114. Travelling allowance may not be drawn under this section by a Government servant on transfer from one station to another unless he is transferred for the public convenience and is entitled to pay during the period occupied by the journey. A transfer at his own request [3][* * * *] should not be treated as a transfer for the public convenience unless the authority sanctioning the transfer, for special reasons which should be recorded, otherwise direct.

Government of India's decisions.—

(1) A Government servant appointed to a post under the Central Government as a result of a competitive examination which is open to both Government servants and others,

(*a*) if already holding a substantive appointment under Government (including a Provincial Government), should be granted travelling allowance for joining the post, and

(*b*) if already employed in a temporary capacity under Government (including a Provincial Government), should not be granted travelling allowance for joining the post, unless in any particular case the Governor General in Council otherwise directs.

N.B.—*See* also item (4) of the Government of India's decisions below Fundamental Rule 105 in Section III.

[G.I., F.D. Office Memo. No. F.5(45)-R.I/36, dated the 20th May 1936.]

(2) *See* item (2) of the Government of India's decisions below Fundamental Rule 105.

(3) Travelling allowance as for a journey on tour [as defined in item (1) of Director General's instructions under this rule] may be drawn by the officials of the Indian Posts and Telegraphs Department deputed from outside stations to work in casual leave vacancies in the telegraph branch of combined Post and Telegraph Offices, where although the sanctioned clerical and signalling establishment consists of more than two men, it is not possible to make local arrangements to fill up such vacancies.

[G.I., F.D. Memo. No. 2352, dated the 21st May 1920].

[1] [] Revised with effect from the 12th August 1932.
[2] [] Inserted with effect from the 12th August 1932.
[3] [] Deleted by G.I., F.D. Correction No. 273 (S.R.), dated the 12th February 1934.

(4) The Travelling Allowance of wireless operators for journeys on duty between Santa Cruz and the office of Messrs. Reuters, Ltd., Hornby Road, Bombay, should be regulated according to the rules governing journeys on tour subject to the condition that no daily allowance will be admissible to them for halts in excess of 10 days.

[F.A., P. & T's memorandum No. 167-Est.-A/32, dated the 31st October 1932].

(5) The Governor General in Council is pleased to sanction the grant of travelling allowance to Telephone Operators and Inspector deputed to single or two handed Telephone Exchange Offices to work in vacancies caused by the absence of officials—

(*i*) on casual leave,

(*ii*) attending court as witnesses, and

(*iii*) appearing at Departmental examinations,

on the conditions and at the rates laid down in the Director General's Office memorandum No. 1021-Est.A/30, dated the 22nd February 1932, [item (2) of Director General's Instructions under this rule.]

[F.A., P. & T's endorsement No. S-249/12, dated the 13th October 1933.]

(6) The Governor General in Council is pleased to sanction the grant of travelling allowance to Wireless officials deputed to single or two handed Wireless stations to work in vacancies caused by the absence of officials—

(*i*) attending court as witnesses, and

(*ii*) appearing at Departmental examinations,

on the conditions and at the rates laid down in the Director General's Office memorandum No. 1021-Est.A/30, dated the 22nd February 1932 [item (2) of Director General's Instructions under this rule.]

[F.A., P. & T's Endorsement No. S-249/13, dated the 16th April 1935.]

(7) When a telephone operator in a Telephone Exchange staffed by 3 operators is granted casual leave or attends a court of law as a witness or appears at a departmental examination and a vacancy of over 3 days can be foreseen, an operator from a nearby Exchange should be deputed to take up the duties of the absentee. The officials so deputed will draw travelling allowance for their journeys from their home stations to the place of their deputation, on the conditions and at the rates laid down in Director General's Office Memo. No. 1021-Est.A-30, dated the 22nd February 1932 [item No. (2) of the Director General's Instructions under this rule.]

[F.A. (C's.) endorsement No. E.S.A.-12/40(8), dated the 29th April 1941.]

(8) If a Telephone Operator or Carrier or Repeater Attendant, in an Exchange or office staffed by four or less Telephone Operators or Carrier or Repeater Attendants, is granted casual leave, or attends a court of law as a witness, or appears at a Departmental examination, and an Operator or Attendant from a neighbouring Exchange or office is deputed to take up the duties of the absentee by reason of the absence exceeding 3 days, the official so deputed will draw travelling allowance for his journey from the home station to the place of deputation on the conditions

and at the rates laid down in Director General's Memo. No. 1021-EsA—30, dated the 22nd February 1932, [item (2) of the Director General's Instructions under S. R. 114.]

[F.A.(C's.)endorsement No. EsA.-10/41/17, dated the 22nd December 1942.]

(9) The Governor General in Council has decided that in cases where necessary staff is not available and non-departmental telegraphists cannot be recruited locally, Heads of Circles may, at their discretion, transfer a non-departmental telegraphist from the nearest place at which such an official is available and grant him actual travelling expenses *viz.*, one railway, steamer or bus fare *plus* actual cost of transportation of personal effects, at the rate admissible to a Government servant of the third grade, provided the telegraphist is willing to be so transferred.

During the actual period spent in transit by the quickest route, the non-departmental telegraphist will be treated as on duty and will be paid the daily pay at the usual rate.

[F.A.(Communications') endorsement No. A-2-23/42, dated the 20th March 1944.]

Audit Instructions—

(1) See Audit Instruction (1) below Fundamental Rule 44 in Section III of this Volume.

(2) When a Government servant is transferred otherwise than for the public convenience, a copy of the order of transfer should be sent to the Audit Officer of the circle of audit in which he is serving with an endorsement stating the reasons for the transfer. In the absence of such an endorsement, the Audit Officer shall assume that the Government servant has been transferred for the public convenience.

In the case of non-gazetted Government servants a certificate from the head of the office will be accepted in lieu of the copy of the order of transfer.

[Para. 16, Sec. II of Manual of Audit Instructions (Reprint)]

Director General's Instructions.—

(1) In supersession of all previous orders on the subject, the following rules are laid down regulating the grant of travelling allowances to postal and telegraph officials who are deputed from one office to another to work in vacancies caused by the absence of

(*i*) officials on casual leave,

(*ii*) officials attending court as witnesses, and

(*iii*) officials appearing at Departmental Examinations,

in single or two handed offices (sub or branch post offices, telegraph branch of combined post and telegraph offices or departmental telegraph offices) :—

(*a*) An official deputed beyond a radius of 5 miles from his headquarters may be granted the travelling allowance admissible under the rules governing journeys *on tour.*

(*b*) If deputed within a radius of 5 miles, actual expenses only are admissible under Rule 89 of the Supplementary Rules.

These orders will have effect from the 1st August 1928.

NOTE 1.—In case of combined offices in which two signallers are sanctioned for the Telegraph Branch, the above rule will only be applicable when no spare signaller is available in the office itself.

NOTE 2.—It should be clearly understood that the deputation of the postal and telegraph officials from one office to another in vacancies of the kind referred to above should be restricted to cases in which such deputation is absolutely essential to the maintenance of efficient service and even in such cases an official or a signaller should be deputed from the nearest office where he may be available.

[D.G., P. & T's Circulars No. 20, dated the 26th September 1928 and No. 10, dated the 16th May 1929.]

(2) The following rules are laid down for the grant of travelling allowance to R.M.S. officials deputed to single or two handed offices (record offices, mail offices and travelling section) to work in vacancies caused by the absence of (*i*) officials on casual leave, (*ii*) officials attending Court as witnesses and (*iii*) officials appearing at Departmental examinations on the conditions mentioned below :—

(*a*) An official deputed beyond a radius of 5 miles from his headquarters may be granted the travelling allowance admissible under the rules governing journeys on tour.

(*b*) If deputed within a radius of 5 miles, actual expenses only are admissible under S. R. 89.

It should be clearly understood that the deputation of R.M.S. officials from one office to another in vacancies of the kind referred to above, should be restricted to cases in which such deputation is absolutely essential to the maintenance of efficient service and even in such cases an official should be deputed from the nearest office, where he may be available.

These orders will have effect from 1st March 1932.

[D.G., P. & T's memorandum No. 1021-Est. A/30 dated the 22nd February 1932.]

(3) The Director General has decided that, with effect from 1st August 1937, in respect of journeys and halts commencing on or after that date, the following rules will govern the grant of travelling allowance and house rent allowance to all officials of the Department deputed to work in place of extra departmental agents :—

(*a*) When travelling within a radius of five miles, actual expenses only are admissible under Supplementary Rule 89.

(*b*) When travelling beyond a radius of 5 miles from headquarters :—

(*i*) if the period of deputation does not exceed 30 days travelling allowance may be granted under the rules governing the journeys on tour *plus* daily allowance under Supplementary rule 73 at full rate for the first ten days and at half the rates for the remaining days. No.

free quarters or house rent allowance in lieu thereof will be admissible in addition.

(*ii*) if the period of deputation exceeds 30 days, travelling allowance on transfer may be granted *plus* free residential accommodation (whether provided by the Extra Departmental Postmasters or not) or house rent allowance in lieu thereof in the case of those officials, the nature of whose duties entitles them to such a concession. In such cases, however, a temporary post in the scale of pay of the official so deputed should be created in the extra-departmental office concerned for the period of deputation.

[D.G., P. & T's memorandum No. S-249/11/36, dated the 31st July 1937.]

(4) When a reserve clerk or sorter is kept as a spare (*i.e.* not working in a leave, etc., vacancy) in an out-station, he should be treated as transferred to that station from the normal head-quarters or from the point of last officiation and given travelling allowance as on transfer. Such clerk or sorter should not be treated as on tour and given travelling allowance as on tour from his last officiating station *plus* halting allowance.

A reserve clerk or sorter, when spare, should be attached to his normal headquarters fixed under Rule 252 of the Posts and Telegraphs Manual, Volume IV—(2nd Edition). His retention at the place he last worked in a deputation or a leave vacancy would not always be conducive to economy as in that case his services may not be fully utilised at the new station, which would, however, be the case if he remains attached to his normal headquarters as it is usually an important and Central Office.

[D.G., P. & T's endorsement No. S- 250/60/41, dated the 27th February 1942.]

(5) General Headquarters, India, have decided that the journey from Civil Station to Mobilization Station of all non-gazetted personnel of the Posts and Telegraphs Department selected for field service should be treated as journey on transfer. In accordance with this decision the following concessions will be admissible to Posts and Telegraphs officials in the matter of Travelling Allowance :—

All Posts and Telegraphs officials selected for Field Service with Field Posts and Telegraphs units will be eligible for travelling allowance at transfer rate *i.e.* three Railway fares of the class of accommodation to which each individual is entitled according to his civil pay, for the journey from civil station to the Mobilization Station.

These orders will have effect from the 3rd March 1943.

Posts and Telegraphs officials, if any, who were declared medically unfit on and after the 3rd March 1943, at the Mobilization Station and returned to their respective Civil Stations, should also be granted travelling allowance at the same rate as in para. 1 above for their return journey.

Officials who are provided with railway warrants will be granted only 2 Railway Fares.

[D. G., P. & T's endorsement No. W. B.- 21-27/ 41, dated the 13th October 1943].

General rule.

S. R. 115. A Government servant may draw mileage allowance for a journey on transfer, including transfer from military to civil employ.

Special concessions to Government servants in superior service.

S. R. 116. (a) Unless in any case it be otherwise expressly provided in these rules or in rules made under other sections of the Act, a Government servant in superior service is entitled, for a journey on transfer to the following concessions :

I.—For journeys by rail or steamer.

[1](i) He may draw three fares of the class of accommodation to which his grade entitles him, the fares being limited to the lowest rate of such class of accommodation in the case of journeys by steamer. [2][In respect of journeys performed in P. & O. Steam Navigation Company's steamers having first and tourist class accommodation between the places mentioned in the exception below rule 40, the 'lowest rate' of the class in the case of Government servants of the second grade is the highest of those fares chargeable for tourist class accommodation which does not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P. & O. Steam Navigation Company] [3][and in respect of journeys between Rangoon and Chittagong and Rangoon and Madras performed in the steamers of the British India Steam Navigation Company, Government servants of the second and third grades will be entitled to draw a single fare (without diet) of II class 'A' or II class 'B' actually booked by them and the extra two fares at II class 'B' rate (without diet).]

(ii) He may draw one extra fare for each adult member of his family who accompanies him and for whom full fare is actually paid and one-half fare for each child for whom such fare is actually paid.

[4]NOTE.—A Government servant transferred to or from the charge of a political residency of the first class may, for journeys by rail incidental thereto, draw a minimum of four first class fares under sub-clauses (i) and (ii) above, if he actually reserves a first class compartment containing not less than four berths (or seats, where seats only are provided) for himself or for himself and family.

[1]This sub-clause was revised by G.I., F.D., Correction No. 227 (S.R.), dated the 8th December 1932.

[2][] Inserted by G.I., F.D., Correction No. 327 (S.R.), dated the 10th May 1935.

[3][] Inserted by G.I., F.D., Correction No. 354 (S.R.), dated the 10th October 1935 with effect from the 1st May 1935.

[4]This new note was inserted by G.I., F.D., Correction No. 191 (S.R.), dated the 13th January 1932.

[1](iii) He may draw the actual cost of carriage by goods train, steamer or other craft of personal effects up to the following maxima:—

Grade of Government Servant.	Maunds. If not possessing a family.	If possessing a family.
First	40	60
Second	20	30
Third	12	15

Provided that a competent authority may prescribe lower *maxima* for any class of Government servants.

NOTE 1.—If a Government servant carries his personal effects by passenger, instead of by goods train, he may draw the actual cost of carriage up to a limit of the amount which would have been admissible had he taken the maximum number of maunds by goods train.

[2]NOTE 2.—A Government servant who carries his personal effects by road between stations connected by rail may draw actual expenses up to the limit of the amount which would have been admissible had he taken the same quantity by goods train. In cases where the actual expenses claimed exceed the limit mentioned above, a competent authority may, for valid reasons, allow such claims subject to the limit of the amount which would have been admissible if the maximum number of maunds had been transported by goods train.

[3]NOTE 3.—Subject to the prescribed maximum number of maunds, a Government servant may draw the actual cost of transporting personal effects to his new station from a place [4][in India] other than his old station (e.g., from a place where they are purchased *en route* or have been left on the occasion of a previous transfer) or from his old station to a place [4][in India] other than his new station, provided that the total amount drawn, including the cost of transporting these personal effects, shall not exceed that admissible had [5][the maximum admissible number of maunds been transported by goods train] from the old to the new station direct.

(iv) Provided that—

(1) the distance travelled exceeds 80 miles ;

(2) the Government servant is travelling to join a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency ; and

[*A list of officers by whom the possession of free conveyances may be considered to be in the interests of the public service and who are entitled to recover the actual cost of transporting their conveyances on transfer under this rule, is given in Appendix No. 21 in Volume II of this Compilation.*]

(3) conveyances or horses are actually carried by rail, steamer or other craft ;—

he may draw the actual cost of transporting at owner's risk conveyances and horses on the following scales :—

Grade of Government Servant.	Scale allowed.
First	Two horses, and a carriage or motor car or motor cycle.
Second	A carriage and a horse ; or a motor cycle and a horse ; or a motor car.
Third	One horse or a motor cycle or ordinary cycle.

NOTE 1.—In the case of a motor car, the cost of transporting a chauffeur or cleaner, and for each horse the cost of transporting one syce and one grass-cutter may be drawn.

NOTE 2.—When a conveyance or a horse is transported by steamer, the actual cost of transporting it may, for purposes of this rule, include, besides the freight, other incidental charges such as ghat pass, river dues, loading and unloading charges.

[1]Revised by G.I., F.D., Correction No. 264 (S.R.), dated the 11th January 1934.

[2]Revised by G.I., F.D., Correction No. 270 (S.R.), dated the 12th February 1934.

[3]Revised by G.I., F.D., Correction No. 306 (S.R.), dated the 18th December 1934.

[4][] Inserted by G.I., F.D., Correction No. 320 (S.R.), dated the 15th March 1935.

[5][] Substituted for the words " all his personal effects been transported " by G.I., F.D., Correction No. 543 (S.R.), dated the 1st September 1942.

EXCEPTION.—A Government servant who travels by a Government steamer is not entitled, for the journey by steamer, either to mileage allowance under rule 115 or to the concessions allowed by this clause. He is entitled to free transport of himself, his family, servants and their *bonafide* personal effects, and of conveyances and horses subject to the limits prescribed in sub-clause (iv) ; and may draw in addition the daily allowance of his grade.

NOTE 3.—On occasions when a Government servant is authorised to convey his motor car or motor cycle by rail at the public expense, he may do so by passenger train or goods train at his option. In the former case the actual freight charged by the Railway Company may be drawn by the Government servant. In the latter case *i.e.*, if the car or cycle is despatched by goods train, the Government servants may draw, in addition to the freight charged by the Railway Company, the cost of packing and of transporting the packed car or cycle to and from the goods shed at the stations of departure and arrival, provided that the total amount so drawn shall not exceed the freight charged for transporting the car or cycle by passenger train.

NOTE 4.—The concession admissible under Note 3 applies *mutatis mutandis* to a Government servant of the third grade who carries an ordinary cycle.

NOTE 5.—When a Government servant transports his motor car or motor cycle by road under its own power between stations connected by rail or steamer or partly by rail and partly by steamer, he may draw an allowance of two annas a mile in respect of the motor car and one anna a mile in respect of the motor cycle, the distance to be reckoned for the purpose of this concession being limited to the distance between the stations by rail or steamer or both combined, as the case may be. If the Government servant himself travels by the car or cycle, he may draw the fares admissible under clause (a) 1 (i). For any member of his family who travels by the car or cycle, the Government servant may draw the extra fare or half fare which would have been admissible under clause (a) 1 (ii) if the member had travelled by rail or steamer.

[1]NOTE 6.—When a Government servant, who is transferred from a post in which the possession of a conveyance or horse is advantageous from the point of view of his efficiency to another post in which it is not advantageous, is again transferred within a period not exceeding four months to a post in which the possession of the conveyance or horse is advantageous from the point of view of his efficiency, he may draw the cost of its transport from the first to the last station, provided that the conditions in sub-clause (iv) are fulfilled and he certifies that the conveyance or horse was possessed by him at the first station.

[2]NOTE 7.—If a Government servant possessed a conveyance or horse at the station from which he is transferred, he may draw the actual cost of transporting a conveyance or horse respectively from a place [3][in India] other than his former station, provided that the amount so drawn shall not exceed that admissible had it been from the old to the new station direct, and provided further that the conveyance or horse is actually transported to the new station within a reasonable time before or after the officer is transferred. In the case of a Government servant who has not possessed a conveyance or horse in the station from which he is transferred, but takes one to the new station from some other place, the above expenses may be allowed with the sanction of the Governor General in Council

[4]***I-A—For journeys by air.***

(i) A Government servant authorised to travel by air on transfer is entitled to draw the travelling allowance which would have been admissible had the journey or journeys been performed by rail and/or steamer, and in addition the difference between rail and/or steamer fares of the class to which he is actually entitled and the air-passage fares actully paid for himself and the members of his family. A person not so authorised to travel who performs a journey or journeys by air on transfer may draw only the travelling allowance to which he would be entitled if he had travelled by rail and/or steamer.

(ii) A Government servant whether authorised or not to travel by air on transfer between places connected by road only is entitled to draw the travelling allowance which would have been admissble had the journey or journeys been performed by road.

[1]Inserted by G.I., F.D., Correction No. 204 (S.R.), dated the 14th June 1932.
[2]Inserted by G.I., F.D., Correction No. 265 (S R.), dated the 11th January 1934.
[3][] Inserted by G.I., F.D., Correction No. 295 (S.R.), dated the 11th August 1934.
[4]This new sub-rule has effect from the 1st November 1946.

II.—For a journey by road.

(i) He may draw mileage allowance at twice the rate applicable to him under rule 46 [1] [or 56] or any rate, applicable to him, which has been fixed under rule 47, as the case may be.

(ii) He may draw additional mileage allowance at the rate applicable to him under rule 46 [1] [or 56] or any rate, applicable to him, which has been fixed under rule 47, as the case may be, if two members of his family accompany him, and at twice that rate if more than two members accompany him.

(iii) For the transportation of personal effects, within the limits prescribed in sub-clause I (iii) of this clause, he may draw mileage allowance at a rate to be fixed by a competent authority. This rate will be calculated on the average cost of conveying goods by the cheapest method of conveyance.

[2]NOTE.—A Government servant who is carried free of charge by Royal Air Force planes to or from Gilgit is entitled to—

(a) If the family of the Government servant travel with him—

(i) half the mileage allowance calculated for the journey in respect of the Government Servant only (i. e., excluding his family) under clause (a) II (i) of this rule, and

(ii) mileage allowance in full for personal effects in terms of clause (a) II (iii) of this rule subject to the condition that any luggage taken by the Government servant with him in the aeroplane should be taken into consideration in allowing the maximum maundage admissible under clause (a) I (iii).

(b) If the family travel by road, mileage allowance in respect of the members of the family in terms of clause (a) II (ii) of this rule, in addition to the amount admissible under (a) above.

(b) The following explanations are given of terms employed in clause (a) of this rule :—

(i) The term " personal effects " is not subject to definition, but the controlling officer must satisfy himself that a claim to reimbursement on account of transportation is reasonable.

(ii) The term " motor cycle " includes a side-car.

(iii) A member of a Government servant's family who follows him within six months from the date of his transfer or precedes him by not more than one month may be treated as accompanying him. [3][If such member travels to the new station from a place other than the Government servant's old station, the Government servant may draw the actual fare for the journey made by such member by rail or steamer *plus* the road mileage, if any, at the rate and subject to the conditions prescribed in clause (a) II (ii), for the actual distance of the road journey performed by such member : provided that their sum shall not exceed the total mileage allowance that would have been admissible had such member proceeded

[1][] Inserted by G.I., F.D., Correction No. 355(S.R.), dated the 10th October 1935.

[2]This note was introduced by G.I., F.D., Correction No. 500 (S.R.), dated the 1st January 1940.

[3][] As revised by G.I., F.D., Correction No. 563(S.R.), dated the 1st March 1944.

from the old to the new station.] For the purposes of this rule, the grade of a Government servant should be determined with reference to the facts on the date of his transfer while the number of fares admissible should be determined with reference to the facts on the date of the journey in respect of which the travelling allowance is claimed.

(c) Tents supplied by Government are transported at the expense of Government. Tents purchased and maintained by a Government servant himself may be transported at the expense of Government ; provided that they do not exceed a scale to be prescribed in this behalf by a competent authority as suitable to a particular Government servant or class of Government servants. If they exceed this scale, the excess may be treated as a part of personal effects.

(d) A Government servant who claims higher travelling allowance on the ground that members of his family accompanied him on transfer must support his claim by a certificate showing the numbers and relationship of the said members.

[1](e) A Government servant claiming the cost of transporting personal effects must support his claim by a certificate that the actual expense incurred was not less than the sum claimed. He should state in the certificate the weight of personal effects actually carried and the amount actually paid for their transport separately by rail, road, steamer or other craft ; and the Controlling Officer shall record a certificate that he has scrutinised the details and satisfied himself that the claim is reasonable.

[2](f) A Government servant claiming the cost of transporting a conveyance or a horse by rail or steamer must support his claim by the railway or steamer receipt. In case where the receipt has been lost or has been surrendered to the railway or steamer authorities without a cash receipt having been obtained in exchange and where the production of a duplicate receipt is likely to involve a disproportionate amount of trouble, the audit officer may, at his discretion, dispense with the production of the receipt and accept a certificate to the effect that the amount claimed is not more than the expense actually incurred.

Government of India's Orders—

(1) The Divisional Engineers, Telegraphs are authorised to permit, in respect of officials under their control, the drawing of actual expenses for carriage of personal effects by road between stations connected by rail, under Note 2 below Supplementary Rule 116 (*a*) I (*iii*).

[F.A., P. & T's. Endorsement No. M.-202/33/Coll. 2, dated the 7th December 1933.]

(2) The Superintendents of Post Offices and Railway Mail Service and first class postmasters are authorised to permit, in respect of officials under their control, the drawing of actual expenses for carriage of personal effects by road between stations connected by rail, under Note 2 below Supplementary Rule 116 (*a*) I (*iii*).

(This order takes effect from 20th June 1933.)

[F.A., P. & T's Endorsement No. M.-202/33, dated the 20th June 1933.]

[1]Revised by G.I.,F.D., Correction No. 223 (S.R.), dated the 10th November 1932.
[2]Inserted by G. I., F. D., Correction No.223 (S. R.) dated the 10th Nov. 1932.

Government of India's decisions—

(1) Charges for the transport of personal effects of an officer on transfer may be admitted in audit if they do not for good and sufficient reasons accompany him but are carried within a reasonable time before or after the date of his journey on transfer.

[G. I., F.D., letter No. 51-E.B., dated the 18th January 1915 ; *vide* page 120 of the Post and Telegraph Supplement to the C.S.R.]

(2) The principle of Supplementary Rule 30 (*c*) should be applied in cases of transport of motor car by officers on transfer [*vide* S.R. 116 (*a*) I (*iv*) (3)], even if the officer and his car take different routes.

[G.I., I. & L.D., No. 243-P.T./24, dated the 15th January 1925.]

(3) With reference to Supplementary Rule 116 (*a*) (II), (*iii*), the Government of India have decided that the rates for the conveyance of personal effects of Government servants under their administrative control should be the same as the rates fixed by local Governments and Chief Commissioners for Government servants under their administrative control in the areas under them.

[G.I., F.D., No. 1191-C.S.R., dated the 20th October 1922.]

(4) The Government of India have decided that officers of the Central Government travelling within territories administered by the Madras Government should, in the circumstances in which they would be entitled to allowances under Supplementary Rule 116 (*a*) II (*iii*), be granted an extra single road mileage instead of those allowances, to compensate them for the cost of transporting personal effects by road. (Under the travelling allowance rules framed by the Madras Government their officers are not eligible for mileage allowance for the transport of personal effects and consequently, no rates have been framed by the Local Government for transport of personal effects by road. They are, however, eligible under Rule 2 of Madras Travelling Allowance Rules for mileage allowance for journeys by road at thrice the rates admissible for a journey on tour as against twice the rates admissible for Government of India servants under Supplementary Rule 116 (*a*) II (*i*), the difference of a single mileage being presumably intended to compensate for the cost of transport of personal effects by road).

[G.I., F.D., No. F/180-C.S.R./24, dated the 16th October 1924.]

(5) The Punjab rates of travelling allowance should apply in their entirety to claims of Posts and Telegraphs officials for transport of their personal effects in Kashmir.

[F.A., P. & T.'s. memo. No. S-249/3, dated the 29th June 1934.]

(6) When the family of a Government servant on transfer precedes or follows him and proceeds to a station other than the Government servant's new headquarters, the period of one month or six months as laid down in clause (*b*) (*iii*) of S.R. 116 should be reckoned from the date of the Government servant's handing over charge at his old station. If, however, the family precedes or follows the Government servant and proceeds to his new headquarters the above limits should be calculated with reference to the date of his taking over charge at the new station.

[G.I., F.D., U.O. No. 2201-R.I.-35, dated the 14th September 1935, to D.G., P. & T.]

(7) The Governor General in Council has decided that the following scale of conveyances shall supersede, in respect of officers of the Indian Posts and Telegraphs Department of different grades, the scale prescribed under Supplementary Rule 116 (*a*) I (*iv*) (3) in the case of transfers :—

Officers of the First Grade . .	A horse or pony and a trap or tonga, or a motor car or a motor cycle, with or without a side car, or a bicycle.
Officers of the second grade on scale of pay the maximum of which :—	
(*a*) is not less than Rs. 450 per mensem.	A pony or a motor car or a motor cycle with or without a side car, or a bicycle.
(*b*) is less than Rs. 450 per mensem.	A pony or a motor cycle, with or without a side car, or a bicycle.
Officers of the third and fourth grades.	A bicycle.

[F.A., P. & T's. Endorsement No. SA/341-ESA/31, dated the 24th November 1932.]

(8) The Government of India have decided that horses may be deemed to be part of personal effects in cases where an officer is not entitled to their transport at Government expense in addition to personal effects

[G.I., F.D., letter No. F.5 (13)-R.I./35, dated the 26th February 1935.]

(9) When free transit for himself is availed of in subsidised motor buses by a Government servant of the Posts and Telegraphs Department on transfer, one mileage should be deducted from the two mileages admissible under Supplementary Rule 116 (*a*) II (*i*). The claims of a Government servant in respect of his family members and personal effects which are governed by Supplementary Rule 116 (*a*) II (*ii*) and (*iii*) respectively are not affected when the Government servant alone is allowed free transit, but the total luggage carried by him both in the subsidised motor bus and otherwise should not exceed the maundage admissible under Supplementary Rule 116 (*a*) I (*iii*).

[G.I., F.D., No. F.5 (19)-R.I/35, dated the 22nd March 1935.]

(10) A question having arisen regarding the admissibility of incidental charges, such as Ghat pass, river dues, loading and un-loading charges in addition to steamer freight on personal effects on the occasion of transfer of Government servants, the Government of India have decided that the two extra fares given to an officer on transfer are intended to cover all subsidiary charges in connexion with the transport of personal effects. The concession under Note 2 to S.R. 116 (*a*) I (*iv*) is only admissible in the case of a conveyance or a horse and should not be extended to personal effects.

[G.I., F.D., letter No. F.5(72)-R.I/36, dated the 12th August 1936.]

(11) The Government of India have decided that the expression "Free transport of *bona fide* personal effects" in the exception under Note 2 to Supplementary Rule 116 (*a*) I (*iv*) is not intended to include incidental charges incurred by an officer travelling by a Government steamer.

[G.I., F.D., letter No. F.5 (72)-R.I/36, dated the 8th October 1936, to the address of the Accountant General Central Revenues.]

(12) The Governor General in Council has decided that—

(*i*) in the case of a Government servant transferred from a department of the Government of India or any of its attached offices while at Simla the expression " station from which he is transferred " or " his former station " used in note 7 to Supplementary Rule 116 (*a*) I (*iv*) should be taken to mean Delhi if the car is actually transported from Delhi to the new station, and

(*ii*) in the case of a Government servant transferred to a department of the Government of India or any of its attached offices at Simla the expression " new station " in that note should be taken to mean Delhi if his car is actually transported to Delhi.

[G.I., F.D., Office memorandum No. F.5 (117)-R. I/38, dated the 24th December 1938.]

(13) The authority competent to allow officers under the control of the Central Government, the concession laid down in Supplementary Rule 116 (*a*) I (*iv*) (2) will be the Heads of Departments. The Government of India do not consider it necessary to prepare lists of appointments, the holders of which may be admitted to the concession. Any case, in which Accountant General considers that the privilege has been abused, should be brought to the notice of the Government of India.

[G.I., F.D., letter No. F.-148-C.S.R./24, dated the 4th November 1924, to the Accountant General Madras.]

(14) Both Pool and non-Pool officers transferred to the Government of India or any of its attached offices at headquarters who are likely to remain on duty in New Delhi for any length of time either immediately on arrival or after the close of the Simla season, irrespective of the time of the year or the place at which they assume charge of their duties, should be allowed the transport charges in respect of their motor cars from their previous stations of duty to New Delhi provided the conditions laid down in Supplementary Rule 116 (*a*) I (*iv*) are fulfilled.

[G.I., F.D., endorsement No. F.5 (54)-R.I/42, dated the 13th May 1942.]

Audit Instructions—

(1) A reference to family has been omitted deliberately from S. R. 32-A in view of the provision relating to actual payments in S.R. 116 (*a*) I (*ii*). The intention is that if the family travels in a lower class of accommodation, the words " actually paid " in Supplementary Rule 116 (*a*) I (*ii*) should be taken to cover only fares of the class of accommodation actually used.

[Para. 17, Sec. II of Manual of Audit Instructions (Reprint).]

(2) Claims preferred under this rule for the carriage of personal effects should be admitted in all cases at the lowest available rates for " smalls ".

NOTE—" Smalls " are defined as goods which of themselves do not constitute a working load for the unit of railway transport, the wagon. The minimum load constituting a wagon load is specified, by each of the Railways who quote reduced rates for wagon loads, in its tariffs.

[Para. 18 (*i*), Sec. II of Manual of Audit Instructions (Reprint).]

(3) In cases where a Government servant is transferred from Station A to Station B and again transferred within a reasonably short time to Station C, he may be allowed under S.R. 116 (*a*) I (*iii*) to recover the cost of carriage of personal effects from Station A to Station C subject to the conditions—

(1) that the total weight carried from Station B to Station C and from Station A to Station C does not exceed the maximum limit prescribed in the Rule, and

(2) that the total cost of transporting the effects from Station A to Station B, from Station B to Station C and from Station A to Station C does not exceed the amount admissible from Station A to Station B *plus* that admissible from Station B to Station C.

[Para. 18 (*ii*), Sec. II of Manual of Audit Instructions (Reprint).]

(4) When a Government servant transports more than the maximum maundage admissible under S.R. 116 (*a*) I (*iii*) by a cheaper route, he can draw actual charges not exceeding the amount admissible for the maximum maundage by the normal recognised route.

[Para. 18 (*iii*), Sec. II of Manual of Audit Instructions (Reprint).]

(5) The actual physical weight of personal effects carried by steamer should be taken into account and not the theoretical weight as arrived at by the shipping companies according to their own formula for calculating the charge.

[Para. 18 (*iv*), Sec. II of Manual of Audit Instructions (Reprint).]

Auditor General's decisions—

(1) With the concurrence of the Government of India it has been decided that there is no objection to Heads of Departments continuing to exercise the powers which were delegated to them in Government of India, Finance Department letter No. 1090-E.B., dated the 9th August 1918, in respect of officers under the administrative control of the Central Government.

[Ar. G's. No. 961-A/348-23, dated the 11th September 1923.]

(2) There is no objection to a motor car being deemed a part of personal effects [*vide* S.R. 116 (a) I (*iii*)] in cases where an officer is not entitled (under Appendix 21 in Volume II of this Compilation) to its free transport in addition to personal effects.

[Ar. G's. No.900-T., dated 16th October 1920—page 120 P. & T. Supplement to C.S.R.]

(3) The cost of transporting a motor car or motor cycle may be allowed under Supplementary Rule 116 (a) I (*iv*) to an officer of the Indian Audit Department who is in receipt of pay of Rs. 600 or over per mensem and is in possession of a motor car or motor cycle before he is transferred provided the conditions prescribed in Supplementary Rule 116 (*a*) I (*iv*) (1) and (3) are satisfied.

The pay limit mentioned above applies also to officers on the revised rates of pay.

[Ar. G's. letter No. 1127-GBE/15-34, dated the 28th April 1934 and d/o. No. 2442-GBE/492-39, dated the 30th November 1939.]

(4) It has been decided with the concurrence of the Government of India that the limit up to which the actual cost of transporting his personal effects by goods or passenger train or by both from and to the various qualifying stations may be drawn by a Government servant under Note 3 to S.R. 116 (*a*) I (*iii*) is the maximum amount admissible under the main rule read with Note 1 thereto.

[Ar. G's. endorsement No. 381½-A/133-42, dated the 7th July 1942.]

Director General's Instructions—

(1) Every claim for the actual cost of transporting personal effects made in a travelling allowance bill on transfer should be supported by receipts and vouchers, whenever possible in respect of the expenditure incurred. The Railway and Steamer authorities grant receipts for the charges actually paid when personal effects, etc., are booked by rail or steamer and there should be no difficulty in producing the receipts in such cases.

[D.G., P. & T's. (P.O.) G. O. No. 2, dated the 10th April 1924.]

(2) A Post and Telegraph officer of the third grade should on the occasion of a journey by the steamers of the Bombay Steam Navigation Company, between Bombay and Ratnagiri and the adjoining places be allowed to travel by the upper class and to draw under S.R. 116 (*a*) I in the case of journeys on transfer, one upper class and two lower class fares for himself *plus* an upper class fare for each member of his family accompanying him, provided they actually travel by the upper class.

[D.G., P.T's. letter No. 258-B.I/27, dated the 17th March 1927.]

(3) An officer of the Indian Posts and Telegraphs Department moving between Simla and Delhi and claiming travelling allowance under the Supplementary Rules may submit a transport contractor's receipt in support of the claim for the actual cost of transporting personal effects made by him in his travelling allowance bill. In such cases, the actual expenses will be limited to the amount which would be admissible for the carriage of the maximum number of maunds prescribed in S.R. 116 (*a*) I (*iii*) for a Government servant of his grade at the rate actually charged by the contractor, and will be further limited to the amount which would have been admissible had he taken the maximum number of maunds by goods train. The officer countersigning such travelling allowance bill should satisfy himself that the weight charged for in the bill was actually carried.

[D.G., P. & T.'s letter No. 605-Est. A/28, dated the 16th March 1929.]

(4) *See* paragraph (*ii*) of item (4) of " Director General's orders " under S.R. 31.

S.R. 116-A. A Government servant in superior service transferred from one post to another who, under the orders of competent authority, is permitted to hand over charge of his old post or to take over charge of the new post at a place other than the headquarters is entitled to—

(1) travelling allowance as on tour from the place of handing over charge to the place of taking over ;

[1](2) the difference between three fares of the class of accommodation to which his grade entitles him, limited to the lowest rate of such class of accommodation in the case of journeys by steamer, and the number of fares admissible for a journey on tour, from his old to his new headquarters ; [2][in respect of journeys performed in P. & O. Steam Navigation Company's steamers having first and tourist class accommodation between the places mentioned in the exception below S.R. 40, the "lowest rate" of the class in the case of Government servants of the second grade is the highest of those fares chargeable for tourist class accommodation which does not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P. & O. Steam Navigation Company] ;

(3) all the further concessions admissible under rule 116 (a) [3][* * *] excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II (i).

For the journeys from his old headquarters to the place of handing over charge, or from the place of taking charge to his new headquarters he will draw travelling allowance as for journeys on tour.

S.R. 116-B. A Government servant in superior service whose headquarters are changed while he is on tour, and who proceeds to his new headquarters without returning to his old, is entitled to—

(1) travelling allowance as on tour for his journey up to the new headquarters ;

[4](2) the difference between three fares of the class of accommodation to which his grade entitles him, limited to the lowest rate of such class of accommodation in the case of journeys by steamer, and the number of fares admissible for a journey on tour, from his old to his new headquarters ; [5][in respect of journeys performed in P. & O. Steam Navigation Company's steamers having first and tourist class accommodation between the places mentioned in the exception below S.R. 40, the "lowest rate" of the class in the case of Government servants of the second grade is the highest of those fares chargeable for tourist class accommodation which does not exceed the fare chargeable for second class accommodation of the lowest grade provided in other steamers of the P. & O. Steam Navigation Company] ;

[1]Revised by G.I., F.D., Correction No. 227 (S.R.), dated the 8th December 1932.

[2][] Inserted by G.I., F.D., Correction No. 327 (S.R.), dated the 10th May 1935.

[3][] Deleted by G.I., F.D., Correction No. 266 (S.R.), dated the 11th January 1934.

[4]Revised by G.I., F.D., Correction No. 227 (S.R.), dated the 8th December 1932.

[5][] Inserted by G.I. F.D., Correction No.327 (S.R.), dated the 10th May 1935.

(3) all the further concessions admissible under rule 116 (a) [1][* * *]excluding the three fares referred to in clause I (i) thereof and one half of the mileage allowance referred to in clause II (i).

S.R. 116-C. If the family of a Government servant, in consequence of his transfer, travels to a station other than the new headquarters, travelling allowance for the journey of the family may be drawn subject to the condition that it does not exceed the travelling allowance that would have been admissible if the family had proceeded to the new headquarters station.

Transfer to join the post of member of the executive council of the Governor General.

S.R. 117. When a Government servant appointed to be a member of the executive council of the Governor General [2][* * *], travels by railway to join his post, he may, at his option, travel on the following terms, in lieu of drawing travelling allowance under the ordinary rules governing a journey on transfer :—

(a) Any accommodation which he will be entitled, under section XXI of these rules, to reserve by requisition after joining his post will, if practicable, be placed at his disposal.

(b) The charge for haulage of the reserved accommodation will be paid by Government.

(c) The Government servant must pay to Government the fare which he would have paid if no accommodation had been reserved and must, in addition, pay in cash to the station master of the station from which the journey commences the fares for any members of his family accompanying him, whether they share his reserved accommodation or not. When Government pays full tariff rates for the accommodation, all such fares will be credited to Government.

Government of India's decision.—The concession admissible in the case of certain high officers under this rule was sanctioned for reasons of prestige, and as these reasons hold good even in cases where the Government servant concerned holds one of the appointments referred to in that rule in an officiating capacity, the concession is admissible in such cases also.

[G.I., F.D., letter No. F/9(74)-R.I/30, dated the 1st August 1930.]

Audit Instruction.—When once a Government servant appointed to be a Member of the Executive Council of the Governor General exercises the option to be governed by the terms in S.R. 117, he ceases to have any claim to any of the concessions, for example, the claim of transporting his personal effects and conveyances from his old to his new station, admissible under S.R. 116.

[Para. 19, Sec. II of Manual of Audit Instructions (Reprint).]

S.R. 118. [3][* * *].

[1][] Deleted by G.I., F.D., Correction No. 266 (S.R.), dated the 11th January 1934.
[2][] Deleted by G.I., F.D., Correction No. 191 (S.R.), dated the 13th January 1932.
[3][] Cancelled by G.I., F.D., Correction No. 191 (S.R.), dated the 13th January 1932.

Government servants whose duties involve constant travelling by railway.

S. R. 119. [1][Subject to the provisions of rule 119-A] the Government servants specified in rule 82 may draw travelling allowance under that rule for journeys on transfer within the limits of the railway to which they are attached, and are entitled in addition to a free pass or fares for their families; provided that they must not draw daily allowance for halts in the course of the journey unless such halts are made in connection with their duty. When transferred from one railway to another, they are entitled to travelling allowance under rules 114 to 116.

[2]S. R. 119-A. On transfer from one station to another [3][a Government servant in the Railway Department or in the Railway Audit Branch] of the Indian Audit Department who is eligible for the concession of privilege passes shall, for journeys by rail, draw travelling allowance under S.R. 82 (b), and will be entitled in addition, for such journeys, to free passes on the following scale, provided that he must not draw daily allowance for halt in the course of the journey unless such halts are made in connection with his duty :—

(1) Gazetted Officers—

(i) a free first class pass for family, and

(ii) a free pass for two wagons of luggage and one motor truck or horse box or cattle wagon.

(2) Non-gazetted staff—

(i) a free pass for family of the class to which he may be entitled under the Pass Rules, and

(ii) a free pass for one wagon load of luggage and one motor truck or horse box or cattle wagon.

[4]NOTE 1.—A free pass may also be granted for one attendant when a motor car, a horse or a head of cattle is carried.

NOTE 2.—These passes will not count against the privilege passes admissible under the Pass Rules.

Government of India's decision.—So far as the issue of passes over the home line is concerned, it is not the intention of S.R. 119-A that the discretionary powers vested in the Railway Administrations under their Pass Rules should be affected thereby.

[G.I., F.D., letter No. F. 5(18)-R.I/39, dated the 25th February 1939 to the Auditor General of India.]

Survey of India Department.

S. R. 120. A Government servant of the Survey of India Department may draw, at his option, for a journey on transfer either the travelling allowance prescribed in rules 114 to 116 or, if the conditions of rule 87 (b) (ii) are fulfilled, the allowance prescribed thereby.

[1] [] Inserted by G.I., F.D. Resn. No. F. 5(16)-R.I/37, dated the 4th February 1937.

[2] This new rule was inserted by G.I., F.D., Resn. No. F. 5(16)-R.I/37, dated the 4th February 1937.

[3] [] Substituted for the words " a Government servant of the Railway Audit Branch" by G.I., F.D. Correction No. 422 (S.R.), dated the 1st July 1937.

[4] [] Added by G.I., F.D. Correction No. 430 (S.R.), dated the 1st January 1938.

Concession to jail warders and police constables.

S. R. 121. Jail warders in inferior service, when transferred from one jail to another, and police constables [1][* * *] when transferred from one district to another, are entitled, if accompanied by their families, to mileage allowance at the following special rates :—

(a) For a journey by railway or steamer double fare of the lowest class.

(b) For a journey by road ; two annas for each mile travelled.

(c) For a journey by boat ; one anna for each mile travelled.

[2]NOTE 1.—Police Constables in the Western India States Agency, Gujarat States Agency and Baroda Residency, Central India Agency, Baluchistan, the Rajputana and Ajmer-Merwara may draw mileage allowance under this rule, irrespective of whether the transfer is from one district to another or not. They are also entitled to the following additional concessions :—

(i) Actual fares of the lowest class by railway for the children accompanying them on transfer and solely dependent upon them.

(ii) Carriage of personal effects to the limit of three maunds at Government expense.

[3]NOTE 2.—Permanent Government servants of the fourth grade employed in the Indian Posts and Telegraphs Department are entitled to the following concessions in respect of journeys on transfer. For a journey by railway or steamer, double the fare of the lowest class of accommodation for themselves, *plus* a single fare of the same class for each adult member of their families and one half fare for each child, subject to a maximum of four full fares, but no luggage allowance. When, however, it is necessary for an official to make a journey by road because a journey by rail or steamer would have been clearly and directly prejudicial to Government interests, he may be allowed travelling allowance by road instead of by rail or steamer, at the rate of two annas for each mile travelled. [4][Travelling allowance by road at the same rate, viz., two annas for each mile travelled, will also be allowed when there is no rail or steamer communication between the station from which the official is transferred and that to which he is transferred.]

[5]NOTE 3.—Permanent Government servants of the fourth grade in Ajmer-Merwara other than Jail warders and Police constables are entitled to the following concessions in respect of journeys on transfer :—

For a journey by railway double the fare of the lowest class of accommodation for themselves *plus* a single fare of the same class for each adult member of their families and one-half fare for each child subject to a maximum of four full fares but no luggage allowance. When, however, it is necessary for a Government servant of this grade to make a journey by road because a journey by rail would have been clearly and directly prejudicial to Government's interests, he may be allowed travelling allowance by road instead of by rail at the rate of two annas for each mile travelled. Travelling allowance by road at the same rate, viz., two annas for each mile travelled, will also be allowed when there is no rail communication between the station from which the Government servant is transferred and that to which he is transferred. These concessions are subject to the condition that they are given only to those classes of inferior servants who are frequently liable to transfer and whose transfer is definitely necessary in the interests of public service.

Government of India's decisions—

(1) The expression 'four full fares' used in Note 2 above includes the two fares admissible to the Government servant himself ; and this maximum is absolute. The provisions of Supplementary Rule 116 (b) (*iii*) and Supplementary Rule 116-C will also apply to permanent Government

[1] [] Deleted by G.I., F.D. Correction No. 346 (S.R.), dated the 10th August 1925.

[2] As revised by G.I., F.D. Correction No. 454 (S.R.), dated the 1st May 1938.

[3] This Note inserted by G.I., F.D. Correction No. 514 (S.R.), dated the 1st September 1940 has effect from the 9th July 1940.

[4] [] Inserted by G.I., F.D. Correction No. 527 (S.R.), dated the 1st July 1941.

[5] Inserted by G.I., F.D. Correction No. 533 (S.R.) dated the 1st January 1942.

servants of the 4th grade employed in the Indian Posts and Telegraphs Department in cases in which transfer Travelling Allowance is admissible.

[F.A. (C's.) U.O. No. 3440-P.T./41, dated the 22nd October 1941.]

(2) Government servants of the 4th grade are entitled under Note 2 above to road mileage for journeys from and to their residences to and from the nearest Railway or Steamer station at the rate of *0-3-0 per mile. The road mileage should be granted in respect of all journeys by road whether the official makes the journey alone or with his family.

*The rate of 0-3-0 per mile has effect from the 1st June 1945 vide F.A. (C's) endorsement No. SR. 249-9/44, dated 26th June 1945.

[F.A. (C's.) U.O. No. 4041 P.T./41, dated the 20th October 1941 to D.G., P.& T. received with F.A (C's.) U.O. No 3440-P.T./41, dated the 22nd October 1941.]

(3) When free transit is availed of in subsidised motor buses by a Government servant of the fourth grade on the occasion of his journey on transfer from one station to another, *one anna and six pies for each mile travelled should be deducted from the mileage of two annas per mile admissible to him under the rules.

*The rate of one anna and six pies for each mile has effect from the 1st June 1945 vide F.A. (C's.) Endorsement No. SR. 249-9/44, dated the 26th June 1945.

[F.A. (C's.) endorsement No. S.-249-6/43, dated the 24th April 1943.]

S. R. 122. Except as provided in rule 121, a Government servant [1][of the fourth grade] is entitled on transfer to draw travelling allowance as for a journey on tour. Inferior servants.

S. R. 123. A Government servant appointed to a new post while in transit from one post to another is entitled to draw travelling allowance under this section for so much of the journey on transfer as he has accomplished when he receives the fresh orders and for the journey from the place at which he receives such orders to his new station. Government servant appointed to a new post while in transit.

S. R. 124. A Government servant who goes on leave on average pay, not exceeding four months, after he has given over charge of his old post and before he has taken charge of his new post is entitled, whether the order of transfer is received before or after the commencement of his leave, to travelling allowance under this section as for a journey from his old to his new post. Government servant taking short leave before joining a new post.

[2]**NOTE:**—**The provision of Note 3 to clause (a) I (iii) and of Note 7 to clause (a) I (iv) of Rule 116 apply here also.**

Government of India's decision.—It has been decided by the Government of India that the following travelling allowance should ordinarily be admissible in cases in which a Government servant receives orders of transfer while on leave on average pay not exceeding four months at a

[1] [] Substituted for the words "in inferior service" by G.I., F.D. Correction No. 384 (S.R.), dated the 11th May 1936.

[2]Revised by G.I., F.D. Correction No. 265 (S.R.), dated the 11th January 1934.

station other than his headquarters and proceeds by railway direct therefrom with his family to join his new post travelling by a class lower than that to which he is entitled :—

(i) *For self*—

(*a*) one fare as from the old to the new station by the class of accommodation actually used for the direct railway journey made as a result of the transfer ; *plus*

(*b*) two extra fares of the class of accommodation to which his grade entitles him from the old to the new station.

(ii) *For family*—

For each member, one or half fare as the case may be, as in (*i*) (*a*) above, subject to the provision of Supplementary Rule 116 (*b*) (*iii*).

[Ar. G's endorsements No. 324-A/158-37, dated the 29th October 1937 and No. 35-A/42-43, dated the 12th July 1943.]

Note.—The Government of India have decided that in the case of an officer who proceeds to the new station partly by the class of accommodation to which he is entitled and partly by a lower class, the one fare referred to in clause (i) (a) should be calculated partly by the class of accommodation to which he is entitled and partly by the lower class actually used in proportion to the distances actually travelled by those classes from the station at which leave was being spent to the new station even though the total amount actually paid by the officer is more than what would have been admissible for a direct journey from the old to the new station by the appropriate class of his grade.

[Ar. G's U.O. No. 555-GBE/58-45, dated the 14th March 1945, to the A.G.C.R.]

Audit Instruction.—Special disability leave on average pay, whether it be granted by itself or in combination with ordinary leave on average pay, should not be treated as 'leave on average pay' for the purpose of Supplementary Rule 124, but as 'leave other than leave on average pay not exceeding four months' for the purposes of Supplementary Rules 125 and 126.

[Para. 19-A, Sec. II of Manual of Audit Instructions (Reprint) as inserted by correction slip No. 58, dated the 1st February 1941.]

Auditor General's decision.—In the case of an officer who is transferred to a new station while on leave on average pay in excess of 4 months where the excess over 4 months is covered by the war concession referred to in Note 1 to Fundamental Rule 81 (*b*), travelling allowance is admissible under Supplementary Rule 124 (and not under Supplementary Rule 126).

[Ar. G's No. 45-A/9-23, dated the 16th January 1924.]

Government servant taking long leave while in transit.

S. R. 125. A Government servant who takes leave other than leave on average pay not exceeding four months while in transit from one post to another may draw travelling allowance under rule 115 and rule 116 (a) I (i) and (ii) and II (i) and (ii) for so much of the journey to join the new post as he has accomplished before the order granting his leave is received, in addition to any allowance admissible under rule 126.

Audit Instruction.—See Audit Instruction below Supplementary Rule 124.

Government servant posted to new station on returning from long leave.

S. R. 126. When on return from leave, other than leave on average pay not exceeding four months, a Government servant is stationed at a headquarters other than that at which he was stationed when he went on leave, the controlling officer may permit him to recover travelling allowance under sub-clauses I (iii) and (iv) and II (iii) of rule 116 (a) as for a journey from his old to his new station.

[1]**NOTE.—The provisions of Note 3 to clause (a) I (iii) and of Note 7 to clause (a) I (iv) of Rule 116 apply here also.**]

Audit Instruction.—See Audit Instruction below Supplementary Rule 124.

S. R. 126-A. When a Government servant under the administrative control of the Governor General in Council is transferred to the control of a Government which has made rules prescribing amounts and conditions of travelling allowance, his travelling allowance for the journey to join his post under that Government and for the return journey will be governed by the rules of that Government regulating travelling allowance on transfer.

Audit Instruction.—The Controlling Officer for the purpose of travelling allowance for the journey of a Government servant to join his post under a borrowing Government as well as for the return journey will be the Controlling Officer in regard to his post under that Government.

[Para. 20, Sec. II of Manual of Audit Instructions (Reprint).]

SECTION XII.—JOURNEY TO A HILL STATION.

Journey with the headquarters of government.

S. R. 127. Special rules, which are not included in these rules, govern the grant of travelling allowance to Government servants moving to hill station with the headquarters of a Government.

[*For a list showing the scales of travelling allowances drawn by officers of the Indian Posts and Telegraphs Department who move between the hills and plains, see Appendix No. 21-A in Volume II of this Compilation.*]

Government of India's Orders.—

(1) The move of the Financial Adviser, Communications, with the headquarters of the Government of India should be regulated by the rules in the Simla Allowance Code.

[G.I., F.D., letter No. 715-F.E., dated 27th March 1924.]

(2) All inferior servants of the Camp Office of the Director General of Posts and Telegraphs required to move to Simla should, irrespective of the scales of pay drawn by them, be allowed to draw the travelling allowance admissible under the Simla Allowance Code.

[*N.B.*—These orders shall have retrospective effect from the date or dates of the actual move of the officials concerned to Simla during the summer 1940.]

[F.A. (C.'s) endorsement No. Es.-A-58/40/6, dated the 14th October 1940.]

Journey made under the orders of superior authority.

S. R. 128. A Government servant, other than a Government servant moving with the headquarters of a Government, who travels on duty to a hill station within his sphere of duty or is required by the orders of a superior authority to travel to a hill station on duty, may draw travelling allowance

[1]Revised by G.I., F.D. Correction No. 265 (S.R.), dated the 11th January 1934.

during his absence as for a journey on tour. Such a Government servant will, however, forfeit all claim to travelling allowance for the journey and halt, other than permanent travelling allowance, if he prolongs his stay at the hill station beyond a period of ten days or the period necessary for the performance of the duty on which the journey is made, whichever is less ; provided that a competent authority may [1] [by general or special order] preserve the Government servant's claim to travelling allowance by—

(a) sanctioning a halt in excess of ten days, and

(b) officially intimating that his presence was required on duty throughout the period or that he was permitted to extend his stay during holidays immediately following his period of duty.

Government of India's decisions—

(1) The Government of India observe that the restrictions imposed in Supplementary Rule 73 on the drawal of daily allowance in excess of ten days apply also to halts in hill stations in the circumstances specified in Supplementary Rule 128. The increased cost of living in hill stations is recognised by the grant of increased rate of daily allowance and the continuance of the full increased daily allowance for a period in excess of ten days merely for the reason that the halt is in a hill station will not normally be justified. The instructions contained in item (1) of the Government of India's decisions under Supplementary Rule 73 should, therefore, be followed by the authorities to whom powers under Supplementary Rule 128 have been delegated when sanctioning halts in excess of ten days.

[G.I., F. D. letter No. F. 5(44)-R.I./33, dated the 30th September 1933.]

(2) The instructions contained in the Government of India's decision above are not intended to apply to inferior servants.

[G.I., F. D. No. 5(44)-R.I./33, dated 12th May 1934.]

Audit Instruction.—The audit instruction under Supplementary Rule 73 should apply to cases covered by Supplementary Rule 128 also.

[Para 21, Sec. II of Manual of Audit Instructions (Reprint).]

1 Government servant performing his duties at a hill station for his own convenience.

S. R. 129. When a Government servant is permitted for his own convenience to perform his duties at a hill station, he is not entitled to daily allowance or mileage allowance for the journey to or from such station or for the period during which he halts at it.

Government of India's Orders—

(1) (*i*) The Government of India have carefully reviewed the case of all recessing officers of the Indian Posts and Telegraphs Department in the light of orders and principles lately laid down by them and especially with respect to the following points :—

(*a*) which officers should be allowed to recess in the hills and can do so without detriment to their official duties ;

(*b*) at what hill station or stations the officers should be allowed to recess ;

[1] [] Inserted by G.I., F.D. Correction No. 329 (S.R.), dated the 10th May 1935.

(*c*) for what period or periods the officers should be permitted to recess ; and

(*d*) the dates of commencement and conclusion of the period or periods of recess.

(*ii*) As a result of the review the Governor General in Council has been pleased to issue the following orders on the subject :—

(*a*) The only officers of the Indian Posts and Telegraphs Department permitted to recess will be (*i*) Postmasters General, (*ii*) Directors, Telegraph Engineering, and (*iii*) Deputy Postmasters-General, Postal and Telegraph Traffic ;

(*b*) the total period of recess in a year in the case of a Postmaster-General will be reduced from five months to three months, that of a Director of Telegraph Engineering from three months to two months and that of a Deputy Postmaster General, Postal or Traffic, from two months to one month ;

(*c*) Postmasters-General and Directors, Telegraph Engineering, may recess only at the summer headquarters of the respective Local Governments. In the case of Deputy Postmasters General, Postal and Traffic, the station of recess will be the same as for the Postmasters-General and the Directors of the respective Circles. In Circles, however, in which there are Postal Ranges, the Deputy Postmasters-General, Postal, may recess at any Hill Station in their jurisdiction in British India which may be approved by the Head of the Circle, if there are no Local Government summer Headquarters in their respective Ranges. The Deputy Postmasters-General, Traffic, Central and Bengal and Assam Circles, may recess at Pachmarhi and Darjeeling only and not at Mount Abu and Shillong, respectively. The Postmaster-General, Central Circle, is required to stay at Mount Abu for a period of not less than 3 weeks or more than 30 days in the year in accordance with the orders and subject to the conditions laid down in paragraph (*vii*) of this item, which will remain in force. This stay of the Postmaster-General, Central Circle, at Mount Abu is exclusive of the period named in clause (*b*) above ;

(*d*) the dates of commencement and conclusion of the period or periods of recess need not be definitely fixed, but should be left to the discretion of the recessing officers concerned who should report the actual dates in advance to the Director General as well as to the respective audit officers. A Postmaster-General, his Director of Telegraphs, or any one of his Deputy Postmasters-General should not recess at the same time without the approval of the Director General.

(*iii*) The reductions in the total periods of recess ordered above have been made on general grounds and not because the privilege has been abused.

(*iv*) The general conditions governing visits to hill stations on recess as laid down in Government of India, Finance Department, Office Memorandum Nos. F.9(81)-R.I./29, and F.9(97)-R.I./29, dated the 22nd August 1929 and 8th October, 1929, respectively [*vide* items (2) and (3)], will apply to recessing officers of the Indian Posts and Telegraphs Department subject to the exception laid down in paragraph (*ii*) (*d*) above.

(*v*) The above orders will have effect in and from the current year (1932).

(*vi*) The Senior Deputy Director General moves to Simla during the summer with the Director General with some other officers of the Director rate. He should not therefore be treated as one of the recessing officers of the Indian Posts and Telegraphs Department for purposes of these orders.

[F.A., P.T.'s Endt. No. 556-Est. A/28, dated 7th January 1932.]

(*vii*) It has been decided by the Governor General in Council that—

(*a*) the perod of stay of the Postmaster General, Central Circle, at Mount Abu should be not less than 3 weeks or more than one month (or 30 days) in the year,

(*b*) the halt should be unbroken as far as this is compatible with the interests of service. When, on an emergency occurring, this condition is departed from, a report should be made to the Director General of the circumstances which necessitated the departure,

(*c*) Mount Abu should not be considered a hill station for this purpose.

(*d*) he should be charged rent for the Government quarter occupied by him at Nagpur throughout the year,

(*e*) he should be eligible to draw—

(*i*) travelling allowance for his journey to and from Mount Abu,

(*ii*) halting allowance for the first ten days only of his halt at Mount Abu and no halting allowance thereafter whether the halt is unbroken or not,

(*iii*) ordinary travelling allowance for any tours he may make from Mount Abu in an emergency during the period of his compulsory stay there.

[F.O., P. & T.'s endorsement No. S-267/8/36, dated the 21st December 1936.]

(*viii*) (*a*) It has been decided by the Governor General in Council that—

(*i*) the period of recess of the Postmaster General, Bengal and Assam Circle, at Darjeeling should be limited to two months;

(*ii*) he should halt at Shillong for a period not exceeding 30 days in the year. This halt should be unbroken as far as this is compatible with the interests of service. When, on an emergency occurring, this condition is departed from, report should be made to the Director General of the circumstances which necessitated the departure.

(*iii*) the recess at Darjeeling and the halt at Shillong need not be consecutive,

(*iv*) Shillong should not be considered a hill station for this purpose

(*v*) he should be eligible to draw -

(*a*) travelling allowance for his journey to and from Shillong,

(*b*) halting allowance for the first ten days only of his halt at Shillong and no halting allowance thereafter whether the halt of 30 days is unbroken or not,

(*c*) ordinary travelling allowance for any tours he may make from Shillong in an emergency during the period of his compulsory stay there.

[F.O. P. & T's. endt. No. S-267/8/36, dated the 21st December 1936].

(*b*) The restriction imposed in Clause 1(*vi*) to item (2) of the "Government of India's orders" under this rule has also been relaxed in regard to the recess of the Postmaster-General, Bengal and Assam Circle, at Darjeeling and Shillong and he has been authorised to take a Camp clerk to Shillong every year for the period of his recess at that station

[F.A., P. & T.'s endts. No. 422 Est. A/31, dated the 7th June 1932, No. S-267/1, dated the 19th April 1933 and No. S-267/56, dated the 30th September 1935

(2) 1. In the case of officers serving under the Central Government visits to hill stations on recess should be governed by the following conditions : -

(*i*) The total period per annum for which the officer is to be allowed to recess, and the hill station or stations in which he may spend the recess, should be fixed by a general order of the Department concerned and communicated to the audit officer.

(*ii*) The total period may be split up into two periods under the general or special order of the Department concerned likewise communicated to the audit officer.

(*iii*) The dates of commencement and conclusion of the period, or periods, of recess should be fixed by the Department either annually or subject to condition (*iv*) for a period of years, and should be communicated by the Department to the audit officer in time to reach him before they are acted upon. Any modification of these dates should be communicated promptly by the Department to the audit officer.

(*iv*) The dates should, as far as possible, be so fixed that they will include any period during which the officer's presence is likely to be required at the hill station for the purpose of consultation, attendance at Committee Meetings, conferences or the like.

(*v*) The officer, as is laid down in Supplementary Rule 129 will draw neither daily allowance nor mileage allowance for his journeys to or from the hill station, and will draw no daily allowance for the periods of halt at the hill station.

(*vi*) The staff accompanying the officer should be limited to one clerk or stenographer and one peon, but in special cases two peons may be allowed with previous concurrence of the Finance Department. When a recess is split up into two periods the staff should be limited to one peon for the shorter of the two periods. [1][An officer who breaks the period of recess into two periods should take his stenographer with him on both the occasions unless specially exempted from doing so on any occasion. He should not leave his stenographer in the hill station while he himself breaks his recess. For this purpose, a short absence from the place of recess which is nevertheless counted against the total period of recess, is not to be regarded as a breaking of the recess. The travelling expenses of the stenographer for the second trip will be borne by the recessing officer concerned as a condition of the grant to him of permission to break the recess, but the stenographer will be entitled to draw ½ daily allowance for the second period making with what he has drawn for the first period the same total as he would have drawn if the total period had not been divided.]

[2][The above orders have been modified to this extent that it will henceforth be optional for the recessing officer to take his stenographer with him whether or not he breaks the period of his recess. When, however, an officer breaks his recess and takes his stenographer with him on the second occasion, the stenographer's travelling allowance will be regulated as laid down in the Government of India, Finance Department, office memorandum No. F:5(35)-R.I./36, dated the 20th April 1936.]

(*vii*) This staff will be entitled to travelling allowance at tour rates for their journeys to and from the hill station. The clerk or stenographer will be granted daily allowance at full rates for the first ten days of his halt at the hill station and at half rates thereafter. The peon or peons will draw daily allowance at full rates for the entire period of halt.

[1][] G.I., F.D. Office Memo. No. F.-5(35)-R.I./36, dated the 20th April 1936.

[2][] G.I., F.D. Office Memorandum No. F. 5(35)-R.I./36, dated the 14th September 1936.

2. The above conditions will take effect from the 1st January 1930 existing orders re maining in force meantime.

3. Officers of the Central Government present *in Simla during the Simla season* fall into one or other of the three following categories :—

(*a*) Officers who for official reasons are required to move with the headquarters offices of the Government of India.

(*b*) Officers visiting Simla on a tour of official duty.

(*c*) " Recessing officers ", i.e., officers who mainly for their own convenience are permitted to take their work to Simla for part of the Simla season.

Owing to shortage of accommodation and for other reasons it is important that the numbers of officers in categories (*a*) and (*c*) should be strictly limited, to what is necessary or desirable on public grounds. On the other hand it is important that officers whose presence at a hill station for purposes of consultation, etc., is found to be an annual necessity, should, if other considerations permit, be classified as " recessing " officers ; and Departments will doubtless bear this fact in mind. The classification of officers as recessing officers should be carried out with special care, and the Finance Department requests that all other Departments of the Government of India will intimate to it and to audit in due course which of the officers serving under them have been classified as " recessing officers " and which have been otherwise classified.

[G.I., F.D., letter No. F.-9(81)-R.I./29, dated 22nd August 1929.]

(3) The Government of India have decided to lay down the following rules to govern the travelling allowance of an officer for journeys on tour during the period of his recess at a hill station :—

(*i*) No travelling allowance may be drawn for a direct journey from the hill station to the officer's headquarters or *vice versa* during the period of the recess.

(*ii*) If journeys from headquarters to the hill station and *vice versa* are combined with inspection, the usual travelling allowance admissible for the journey may be drawn, but the travelling allowance ordinarily due for a direct journey between the permanent headquarters and the hill station should be deducted from the total amount claimed.

(*iii*) When tours of inspection are undertaken from the hill station where the officer is recessing, travelling allowance may be drawn at the usual rates, provided that the total amount involved does not exceed the amount which would have been admissible had those inspections been carried out from the officer's regular headquarters.

(*iv*) Journeys from a hill station to particular station and back should not normally be undertaken. When, however, such journeys are unavoidable on account of urgent Government business, travelling allowance may be drawn at the usual rates, provided that the amount does not exceed the amount which would have been admissible had the journey been made from the regular headquarters. In such cases the reasons for the journeys should be recorded on the travelling allowance bill for the information of the countersigning officer, if any, and that of the Audit Officer.

[G.I. F D. No F./9(97)-R.I./29, dated 8th October 1929.]

(4) The Government of India have decided that in cases where a period of duty in the hill station is prefixed or affixed to a period of recess, no travelling or daily allowance will be allowed. In such cases the period of recess will merely be treated as extended by the period of duty.

[G.I. F.D., letter No. F.-9(94)-R.I./29, dated 13th March 1930.]

(5) The Governor General in Council has ordered that—

(*i*) the halt of an Officer of the Indian Posts and Telegraphs Department at the hill station at which he is permitted to recess should be unbroken as far as this is compatible with the interests of service ;

(*ii*) he should obtain the approval of the Director General before leaving, on duty, the station at which he may be recessing,

(*iii*) it should be left to the discretion of the Director General to determine, with reference to the nature and urgency of the work necessitating the journey, the dates of commencement and conclusion of which should invariably be reported to him, whether the period spent on such journey should be excluded from the period of the recess mentioned in the Government of India order (1) above.

[F.O., Communications' endorsement No. S. 249/20/37., dated the 3rd June 1938.]

SECTION XIII.—JOURNEY TO ATTEND AN EXAMINATION.

General rules. **S. R. 130. A Government servant is entitled to draw travelling allowance for the journey to and from the place at which he appears for an examination of any of the following kinds :—**

(a) An obligatory departmental or language examination.

(b) An examination held under any rules in force in the vernacular language of a frontier or hill tribe.

(c) In the case of a military officer in civil employ, an examination for promotion in military rank.

(d) In the case of a civil assistant surgeon or sub-assistant surgeon, an examination designed to test his fitness to rise above an efficiency bar in a time-scale :

provided that—

(1) travelling allowance shall not be drawn under this rule more than twice for any particular examination or standard of examination ; and

(2) a competent authority may disallow travelling allowance under this rule to any candidate who, in its opinion—

(i) has culpably neglected the duty of preparing himself for an obligatory examination.

(ii) does not display a reasonable standard of proficiency in an examination which is not obligatory.

Director General's Instructions -

(1) (*a*) It has been decided that travelling allowance as on tour but without any allowance for halts should be allowed on the first occasion of their appearance for examination to all candidates ordered by a competent authority to appear at an obligatory departmental examination irrespective of the result of the examination except in the case of those candidates who fail to secure at least 25 per cent. of the aggregate marks. A candidate who appears for the examination on a second occasion, if he has failed once, should be granted travelling allowance only if he passes.

(*b*) In the case of voluntary departmental examinations in the Posts and Telegraphs Department, the successful candidates only should be granted a single railway fare and/or single road mileage of the class to which they are entitled for their journey in connection with these examinations.

(*c*) The following examinations should be treated as obligatory for the purpose of Supplementary Rule 130 (*a*) :—

(*i*) Examination of departmental Telegraphists, Telephone Inspectors Telephone Operators, Telephone Mechanics and Baudot and Signal room mechanics for selection for training as Engineering Supervisors.

(*ii*) Examination of Engineering and Electrical Supervisors for crossing the efficiency bar of their time-scale.

(*iii*) Examination of Engineering Supervisors General (appointed under the old method in force prior to 1929) for admission to the Training Class to make them eligible for promotion to the grade of Deputy Assistant Engineer, Telegraphs, Grade B.

(*iv*) Departmental test of Engineering Supervisors General qualifying for promotion to the grade of Deputy Assistant Engineer, Grade B.

(*v*) Higher Proficiency Examination of Wireless Operators for promotion to the grade of Wireless Supervisors.

(*vi*) Annual increment test for Wireless Operators.

(*vii*) Test for passing efficiency bar of Wireless Operators.

(*viii*) Test for passing higher standard of Wireless operators.

(*ix*) Examination of Telegraphists for promotion to the grade of Telegraph Masters.

(*x*) Examination of Upper Division Clerical Staff in Post Offices and Railway Mail Service Branches, Circle Offices and Dead Letter Offices, for promotion to the grade of Inspector of Post Offices or Head Clerks to Superintendents of Post Offices or Inspectors, Railway Mail Service, on the scale of Rs. 160—10—250.

(*xi*) Examination of departmental officials for appointment as Superintendent of Post Offices.

(*xii*) Examination of Probationery Superintendents for employment as Superintendents of Post Offices.

(*xiii*) Annual signalling test for Engineering Supervisors prescribed in paragraph 452 (*a*) of the Posts and Telegraphs Manual, Volume IV.

(*xiv*) Examination of Baudot Mistries in Teleprinters, Key-board Perforators and Transmitters in the training class.

(*xv*) Examination prescribed in Rule 253 of the Posts and Telegraphs Manual, Volume IV, which all second grade clerks and sorters of the Department on probation are required to pass before their confirmation.

(*xvi*) The three tests prescribed in Rule 186 of the Posts and Telegraphs Manual, Volume IV, 2nd Edition, for Assistant Divisional Engineers, Telegraphs.

(*xvii*) Test prescribed for selection of officials for the Telephone Inspectors' training.

[D. G., P. & T. Memoranda No. S.-123/1, dated the 3rd August 1935, and even No. dated the 3rd October 1935 and 29th November 1935 as amended from time to time.]

(2) While appearing for the test before a Superintendent of Post Offices in connection with their selection for Lower Division clerkships, actual expenses may be paid to the candidates (postmen, etc.) who cannot be conveniently examined by a Superintendent in the course of his ordinary tour but are called to the nearest point or office which the Superintendent would visit in ordinary course, provided they pass the test.

[D. G., P. & T's Memo. No. 334-Estt.A 31, dated the 1st July 1932.]

S.R. 131. A Government servant who obtains a reward for proficiency in an oriental language, or who for the first time obtains a degree of honour in any language in the second division, is entitled to draw travelling allowance for the journey to and from the place of examination.

Government servants obtaining reward for proficiency in an oriental language.

S.R. 132. A competent authority may permit a Government servant to draw travelling allowance for the journey to and from the place at which he appears for any examination other than those specified in rules 130 and 131.

Special concessions.

Government of India's Orders—

(1) Government servants summoned by or at the request of the Public Service Commission or of Government for interview not connected with advertised posts should be granted allowances for travelling not exceeding the amount of mileage admissible under the ordinary rules applicable to journey's on tour ; in exceptional cases, the Public Service Commission may grant them daily allowance for days of halt at the place of interview at the rates to which their grades entitle them.

Ordinarily no travelling allowance should be granted to persons who themselves apply for interview, but in exceptional cases the Public Service Commission may decide whether it would be equitable to pay travelling expenses and, if so, to fix the rate.

[G. I. F. D. letter No. F./9(52)-R. I./30, dated the 14th June 1930, to the P.S.C.]

NOTE.—These orders should be applied to the travelling allowance claims of Government servants whom Departments may call for interview in connection with appointments to posts with which the Public Service Commission is not concerned.

[G. I., F. D., No. F-5 (40)-R. I./33, dated 15th September 1933.]

(2) In connection with the question of the payment of travelling allowance to officers recommended by the Provincial Governments as suitable for serving under the Government of India and called up to Provincial headquarters or at the headquarters of the Government of India to interview the Establishment Officer or by the Establishment Committee, it has been decided that—

(*i*) Travelling allowance for journeys to and from the Provincial headquarters or the headquarters of the Government of India should, in future, be allowed at the cost of the Government of India for such a journey at such rates as are admissible according to Provincial rules ;

(*ii*) The expenditure on this account should be debited to the Government of India, Secretariat of Executive Council grant.

The Establishment Officer to the Government of India will be the controlling officer in respect of the travelling allowance of the officers who are invited for interview.

[G. I., F. D. Endorsement No. F.5(114)-R.I./41, dated the 9th December 1941 and No. F.3(7)-E.II/46, dated the 4th September 1946.]

(3) The civilian servants of the Government of India called for interviews and Medical Examinations in connection with their selection for Emergency Commissions should be granted travelling allowance as laid down by Army Instructions (India) 73 and 74 of 1941.

[G. I., F.D. Endorsement No. F. 5(32)-R.I./44, dated the 14th April 1944.]

(4) Government servants called for interview by the Federal Public Service Commission in connection with their candidature for posts in the General Administrative Reserve should be granted travelling allowance as on tour in respect of their journeys to Simla and back for the interview.

[G. I., F. D. Endorsement No. F. 5(62)-E.IV/46, dated the 26th July 1946.]

Government of India's decision.—The Government of India have decided that the travelling allowance admissible to officers summoned for interview by the Establishment Committee, for selection for the Finance and Commerce Departments cadre should be regulated as follows : –

(*i*) Officers not entitled to free railway passes will be paid travelling allowance as on tour and daily allowance for the days of halt, under the Supplementary Rules of the Central Government or the rules of the Provincial Government concerned, according as they are serving under the Central or a Provincial Government at the time ; and

(*ii*) Officers entitled to free railway passes will be paid, under Supplementary Rule 82, daily allowance for the entire period of absence from Headquarters exceeding eight consecutive hours.

[G. I., F. D. Endorsement No. F.-23(11)-Ex.II/40, dated the 15th August 1940.]

Rates of travelling allowance under this section.

S.R. 133. Travelling allowance under this section should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

SECTION XIV.—JOURNEY WHEN PROCEEDING ON OR RETURNING FROM LEAVE.

General rule.

S.R. 134. Except as otherwise provided in these rules, a Government servant is not entitled to any travelling allowance for a journey made during leave or while proceeding on or returning from leave.

Exception.

S.R. 135. A competent authority may, for special reasons which should be recorded, permit any Government servant to draw, for a journey of the kind specified in rule 134, travelling allowance as for a journey on tour.

S.R. 136. When a member of the executive council of the Governor General [1][* * *] travels by railway when proceeding on or returning from leave, he may travel on the terms described in rule 117. High officials.

[2]**S.R. 136-A.** When a political resident of the first class travels by railway when proceeding on or returning from leave [or when a Government servant returning from leave travels by railway to assume charge as Political Resident of the first class], he may, if he actually travels in a reserved first class compartment, draw the excess, if any, of the cost of reserving a first class compartment of not more than four berths (or seats, where seats only are provided) over the cost of the fares for himself and any members of his family accompanying him.

[3]**S.R. 137.** An Indian Commissioned Officer serving with the Frontier Irregular Corps (i.e., the Kurram Militia, the Tochi Scouts, the South Waziristan Scouts, [4][* * *] and the Zhob Militia, when proceeding on or returning from leave, is entitled to the same concessions as he would receive if he were in military employ.

S.R. 138. A military sub-assistant surgeon in civil employ, when proceeding on or returning from leave of not less than six months' duration, is entitled to the same concessions which he would receive if he were in military employ.

S.R. 139. A departmental officer of the commissary class or a departmental warrant officer in civil employ, when proceeding on or returning from leave on medical certificate is entitled to the same concessions which he would receive in military employ.

S.R. 140. The Surveyor General or an administrative superintendent of the Survey of India Department may exercise the following powers : – Concessions to Survey of India subordinates.

(a) He may grant such rail and steamer fares as he considers necessary to khalasis and other menials in the Survey of India Department proceeding on or returning from leave of any kind. Such fares should be paid for the journey to or from the place at which each menial was recruited.

(b) He may grant such travelling allowance as he considers necessary to surveyors and other subordinates when proceeding on or returning from leave if their homes are situated in provinces other than those in which they are employed.

S.R. 141. [5][* * *].

[1] [] Deleted by G. I., F. D., Correction No. 151, (S.R.), dated the 13th January 1932.

[2] This rule was inserted by G. I., F. D., Correction No. 551 (S.R.), dated the 13th January 1932.

[3] [] Inserted by G. I., F. D., Correction No. 2551 (S.R.), dated the 9th December 1933.

[4] This item was inserted by G. I., F. D., Correction No. 1551 (S.R.), dated the 1st May 1942.

[5] [] The words of the Chief Commissioner deleted by G. I., F. D., Correction No. 551 (S.R.), dated the 1st April 1931.

[6] [] Canceled by G. I., F. D., Correction No. 2551 (S.R.), dated the 14th June 1932.

S.R. 141-A. The following rules apply to members of the Police Force in the Andaman and Nicobar Islands :-

(i) Deck passages without diet by sea or river steamer and third class accommodation by rail are admissible :—

[1](a) To all ranks proceeding on or returning from leave on medical certificate or, at intervals of not less than *four* years, other leave (including leave on average pay), free of charge. Provided that, instead of third class accommodation, Inspectors, Sub-Inspectors and Assistant Sub-Inspectors are entitled to intermediate fare, or, if there is no intermediate class, second class fare in the case of the first, and third class fare in the case of the other two.

NOTE.—Inspectors, Sub-Inspectors and Assistant Sub-Inspectors are entitled to second class accommodation for journeys by sea and Inspectors whose pay exceeds Rs. 250 a month are entitled to second class accommodation for journeys by river steamer and by railway.

(b) To the families of all ranks accompanying the head of the family to and from his home when proceeding on or returning from leave of any kind free of charge for the deck passage and on payment of a single fare for the railway journey.

NOTE.—The term "family" for the purpose of this rule includes, besides children and one wife, one relative.

(c) To the families of all ranks joining the head of the family within six months of the expiry of leave of any kind, free of charge for the deck passage, and on payment of a single fare for the railway journey.

(d) To the families of all ranks who are sent back to India on medical advice and who cannot be accompanied by the head of the family, free of charge for the deck passage and on payment of a single fare for the railway journey.

[2](ii) To [3][constables] proceeding on leave on average pay when the concession granted above is not admissible on account of the interval being less than [4][four] years, third class accommodation by rail is admissible free of charge for one way of the journey to or from their homes in India.

Government servant recalled to duty from leave.

S.R. 142. (a) When a Government servant is compulsorily recalled to duty before the expiry of his leave and the leave is thereby curtailed by not less than one month, he is entitled to draw mileage allowance for the journey from the place at which the order of recall reaches him, or, if the journey involves travelling by sea, from the port at which he lands in India to the station to which he is recalled. If the period by which his leave is

[1] As amended by G. I., F. D. Correction No. 577 (S.R.), dated the 1st December 1945.

[2] Inserted by G. I., F. D. Correction No. 283 (S.R.), dated the 11th May 1946.

[3] [] Substituted for the word "Sepoys" by G. I., F. D. Correction No. 577 (S.R.), dated the 1st December 1945.

[4] [] substituted for the word "Six" by G. I., F. D. Correction No. 577 (S.R.), dated the 1st December 1945.

curtailed is less than a month, mileage allowance may be allowed at the discretion of the authority recalling the Government servant.

(b) If the Government servant recalled to duty is entitled to travelling allowance under rule 124, he may not draw mileage allowance under clause (a) unless he abandons his claims to the mileage allowance specified in rules 115 and 113 (a) I (i) and II (i).

Government of India's decision.—Passage concessions to civil officers recalled from leave sanctioned in the Government of India, Finance Department, No. 757-E.B., dated the 20th May 1921, are admissible not only in cases of recall from the United Kingdom, but in all cases of recall from leave out of India.

[G. of I., F. D., No. 1293-C.S.R., dated the 18th November 1922.]

S. R. 143. If a non-gazetted Government servant, on compulsory recall from leave exceeding four months, is posted to a station other than that from which he went on leave, he may, if his pay after transfer does not exceed Rs. 400 and if his new station is distant more than 200 miles from his old station, draw, in addition to the allowance admissible under rule 126, travelling allowance for his family under rule 116 for the journey from the place at which the order of recall overtakes him to the new station; provided that the amount so drawn shall not exceed the amount admissible under rule 116 for the journey from the old to the new station.

S. R. 144. (a) Except as provided in rules 143-A and 145 and in clauses (b) and (c) of this rule, a Government servant on joining time under F. R. 105 (d) may draw travelling allowance for the journey as for a journey on transfer, with the exception that in the case of journeys by steamer, instead of three fares for self, only two fares will be admissible. A member of a Government servant's family who precedes or follows him by not more than six months may be treated as accompanying him. (travelling allowance during joining time under Fundamental Rule 105 (d).

(b) The travelling allowance of Government servants under the rule-making control of the Governor in Council employed in the Political Agency and Chiefs when proceeding on, or returning from, leave will be regulated as follows :—

(1) When no tenure is prescribed or when the tenure of appointment is four years or more—travelling allowance as under clause (a), once in four years ;

(2) When the tenure of appointment is less than four years but not less than three years—travelling allowance of four rates once during the tenure ; and

(3) When the tenure of appointment is less than three years—no travelling allowance.

The above rules will not apply in cases where leave is taken immediately prior to the completion of tenure and before joining a post elsewhere.

[1] Inserted by Notification No. 135-S.R., dated the 1st September 1939.
[2] Inserted by Notification No. 514(S.R.), dated the 1st September 1942.

(c) A Government servant employed in Kamaran when proceeding on, or returning from, leave is entitled to half the allowances permissible as under clause (a) if the leave is taken after two years and full allowances if the leave is taken after four years.

NOTE.—This rule does not apply to Government servants under the administrative control of the External Affairs Department, who, while proceeding on leave from the Gilgit Agency or returning from leave to that Agency, are carried free of charge by Royal Air Force planes.

Government of India's decision.—This rule governs travelling allowance admissible in the case of leave or leave *cum* transfer of Government servants to whom Fundamental Rule 105 (d) applies. The travelling allowance of such Government servants in the case of a straight transfer is regulated by the rules in Section XI.—JOURNEYS ON TRANSFER—in Division VI of the Supplementary Rules.

[G. I., F. D., endorsement No. F. 5(71)-R.I./42, dated the 10th July 1942.]

Concession to non-gazetted Government servants employed in [1][Iran] or the Persian Gulf.

S.R. 145. A non-gazetted Government servant in superior service on pay not exceeding Rs. 400 a month, when proceeding on leave from or returning from leave to a place in [1][Iran] or the Persian Gulf to which he is posted, may transport his family to or from India at Government expense; provided that this concession may be granted for the journey in each direction once only in every period of four years.

[2]NOTE.—The benefit of this rule is admissible only to those Government servants who are certified by the authority competent to sanction their leave as having a genuine Indian domicile or were originally conveyed at Government expense from India or Europe for service in any of the places in [1][Iran] or the Persian Gulf.

[3]**S.R. 145-A.** Head Warders and Warders of Jails in the Western India States Agency may be granted, when proceeding on leave to and returning from their homes, free railway and steamer tickets not oftener than once in three years.

SECTION XV.—JOURNEY ON RETIREMENT, DISMISSAL OR TERMINATION OF EMPLOYMENT.

General restrictions.

S.R. 146. Unless in any case it be otherwise expressly provided in this section, no person is entitled to any travelling allowance for a journey made after retirement or dismissal from Government service or after the termination of such service.

Exception.

S.R. 147. A competent authority may, for special reasons which should be recorded, permit any Government servant to draw travelling allowance for a journey of the kind mentioned in rule 146.

Concessions to high officials.

S.R. 148. When a member of the executive council of the Governor General [4][* * *] travels by railway on retiring from the service or on proceeding to join another post after resigning office, he is entitled, if he so desires, to the concession specified in rule 115.

[1] [] Substituted for the word "Persia" by G. I., F. D., Correction No. 537 S.R., dated the 10th October 1935.

[2] Inserted with effect from the 14th November 1931.

[3] This rule has effect from the 1st April 1926.

[4] [] Deleted by G. I., F. D., Correction No. 191 (S.R.), dated the 13th January 1932.

[1]S.R. 148-A. When a political resident of the first class travels by railway on retiring from service, he may, if he actually travels in a reserve first class compartment, draw the excess, if any of the cost of reserving a first class compartment of not more than four berths (or seats, where seats only are provided) over the cost of the fares for himself and any members of his family accompanying him.

Concessions to Survey subordinates.

S. R. 149. The Surveyor General or an administrative superintendent of the Survey of India Department may grant such rail and steamer fares as he considers necessary to a discharged khalasi or other menial for the journey to the place at which the menial was enlisted.

[2]S. R. 149-A. Discharged Gurkha Rifle-men of the Assam Rifles recruited through the Army recruiting Officers may be allowed free conveyance and provided with rail warrants to Kuraghat or Ghoom if they are sent to these places for final settlement.

Concession to subordinates serving in the Andaman and Nicobar

[3]S. R. 150. (1) The Chief Commissioner of the Andaman and Nicobar Islands may grant to any subordinate Government servant employed in the Islands other than a member of the Andaman and Nicobar Police Force a free passage to India for himself and his family on dismissal or retirement. If a subordinate dies while so employed, the Chief Commissioner may similarly grant a free passage to his family.

(2) The Chief Commissioner may grant to a member of the Andaman and Nicobar Police Force a free passage to India for himself and his family on discharge, dismissal, resignation or retirement and a similar passage to his family if he dies while in service. He may also grant to such a member, if he honourably quits the service or is discharged as a rejected recruit, railway fares for himself and his family from the port of disembarkation in India to the railway station nearest his home.

[3]Note.—(1) For the purposes of sub-rule (2), a member of the Andaman and Nicobar Police Force shall not be deemed to quit the service honourably who—

(a) resigns,

(b) is discharged as inefficient within his probationary period,

(c) is dismissed,

(d) is compulsorily retired due to unsatisfactory service,

(e) is invalided, when invalidment is due to intemperance or neglect, direct or contributory.

(2) Railway fares granted under the provisions of sub-rule (2) shall be of the same class or, as the case may be, for the same class of accommodation as would be admissible to the member and/or his family under the provisions of Rule 141-A.

Concessions to military officers in Civil employ.

S. R. 151. A departmental officer of the commissary class or a departmental warrant officer in civil employ, on retirement after service which has earned a pension or a gratuity, is entitled to the same concessions as if he were retiring from military employ.

[4]S. R. 151-A. A person temporarily employed in Government service in Gilgit or outside India, who has received travelling allowance for the

[1] Inserted by G. I., F. D., Correction No. 191 (S.R.), dated the 13th January 1932.

[2] This new rule was inserted by G. I., F.D., Correction No. 456 (S.R.), dated the 1st May 1938 [vide also G. I., F.D., Resn. No. F5(10) D I 38, dated the 3rd February 1938].

[3] As revised by G. I., F.D., Correction No. 579 (S.R.), dated the 1st December 1945.

[4] This rule has effect from the 12th August 1932.

journey to join his post, may, on the termination of his employment, be allowed to draw travelling allowance for the journey to any place ; provided that such allowance does not exceed the travelling allowance calculated for the journey to the place at which he was engaged, that the claim to draw travelling allowance is preferred within three months of the termination of his employment and that the officer under whom he is employed is satisfied that he intends to make the journey.

S. R. 152. [1][* * *].

Rates of travelling allowance under this section.

S. R. 153. Travelling allowance under rules 147 and [2][151-A] should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

SECTION XVI.—JOURNEY TO GIVE EVIDENCE OR TO ATTEND A COURT OF LAW AS ASSESSOR OR JUROR.

Journey to give evidence of facts of which he has official knowledge.

S. R. 154. The following provisions apply to a Government servant who is summoned to give evidence—

(a) in a criminal case, a case before a court-martial, a civil case to which Government is a party or a departmental inquiry held by a properly constituted authority in British India, or

(b) before a court in an Indian State or in foreign territory ;

provided that the facts as to which he is to give evidence have come to his knowledge in the discharge of his public duties :

(i) He may draw travelling allowance as for a journey on tour attaching to his bill a certificate of attendance given by the court or other authority which summoned him.

(ii) When he draws such travelling allowance, he may not accept any payment of his expenses from the court or authority. Any fees which may be deposited in the court for the travelling and subsistence allowance of the witness must be credited to Government.

(iii) If the court in which he gives evidence is situated within five miles of his headquarters and no travelling allowance is therefore admissible for the journey, he may, if he be not in receipt of permanent travelling allowance, accept such payment of actual travelling expenses as the court may make.

[3]Note.—A Government servant summoned to give evidence while on leave is entitled to travelling allowance under this rule from and to the place from which he is summoned, as if he were on duty.

Government of India's orders.—

(1) The Government of India have entered into reciprocal arrangements with the Government of Madras in regard to the payment of the

[1] []Deleted by G.I., F.D., Correction No. 216 (S.R.), dated the 12th August 1932

[2] [Amended with effect from the 12th August 1932.

[3] [As revised by G. I. F. D. Correction No. 552 (S.R.), dated the 1st June 1943.

expenses of Government servants summoned by Criminal Courts to give evidence in their official capacity. The effect of the arrangement will be as follows :—

(i) In criminal cases to which the Crown is a party, a Government servant giving evidence regarding facts of which he has official knowledge will, on production of the certificate of attendance issued by the summoning Court, be paid travelling allowance by the Government under whom he is serving.

(ii) In criminal cases to which the Crown is not a party, a Government servant giving evidence regarding facts of which he has official knowledge will be paid travelling allowance by the summoning Court according to its rules and the charges will be borne by the Central Government or the Government of India, according as the Court is situated in a Centrally Administered area or in the Province of Madras.

(iii) Where Government servants [illegible] Departments [illegible] evidence [illegible] Government servants deputed for the purpose of this absence [illegible] allowance and other expenditure [illegible] the Government [illegible] expenditure be recovered from the Central Government [illegible] Government of Madras [illegible] the official summoned [illegible] Centrally Administered [illegible] Province.

(2) The Government of India have entered into [illegible] arrangements with the Government of the United [illegible] relation to the payment of expenses of Government servants [illegible] by criminal courts to give evidence in their official [illegible] The effect of the arrangement will be as follows :—

(i) In criminal cases to which the Crown is a party, a Government servant giving evidence regarding facts of which he has official knowledge will, on production of the certificate of attendance issued by the summoning court, be paid travelling allowance by the Government under whom he is serving.

(ii) In criminal cases to which the Crown is not a party, a Government servant giving evidence regarding facts of which he has official knowledge will be paid travelling allowance by the summoning court according to its rules and the charges will be borne by the Central Government or the

Government of the United Provinces according as the Court is situated in a Centrally administered area or in the United Provinces.

(iii) When a Government servant serving in a Commercial Department or when any other officer is summoned to give evidence as a technical or expert witness, the pay of the Government servant concerned for the period of his absence from his headquarters and travelling allowance and other expenses due to him will first be borne by the Government under whom he is serving and will subsequently be recovered from the Central Government or the Government of the United Provinces according as the Court in which the officer is summoned to give evidence is situated in a Centrally administered area or in the United Provinces.

[G.I., H. D., Memo. No. 177/45-Public, dated the 19th March 1946, copy received under Auditor General's endorsement No. 611-NGE/II-45, dated the 30th March 1946.]

Government of India's decisions—

(1) Travelling allowance is admissible to an officer proceeding to a Police station to lodge a complaint or give information of an offence but under the orders of the Government of India in the Home Department No. 1163, dated 14th September 1874, no allowance is admissible to an officer summoned by a Police officer to give evidence before him.

[G.I., F. & C. D., No. 617C P, dated the 19th December 1894—page 127 of P. & T. Supplement to C. S. R.]

(2) The question of admissibility of travelling allowance to the officials of the Posts and Telegraphs Department who are required by their Superior Officer to proceed from one station to another to appear before police officers or to accompany them to another station has for some time past been under the consideration of the Director General Posts and Telegraphs, and the Government of India, and it has been decided by the latter that whether a Post and Telegraph employee's presence is required to give a statement or to assist generally in the police investigation, it is within the discretion of his superior officer who orders the Government servant to undertake the journey to grant travelling allowance for the journey as having been performed on duty. It has been held that Supplementary Rule 154 provides merely for cases in which the Court or other authority has the power of paying witnesses' expenses. It is not the intention of the rules to forbid the grant of travelling allowance to a Government servant attending *under proper orders* any enquiry whether police or departmental.

[G. I., F. D., U.O. No. 6847-C. S. R., dated the 15th December 1926.]

(3) The pay or subsistence allowance received by an Extra Departmental Agent of the Indian Posts and Telegraphs Department when he appears as a witness before a Court of Law need not be credited to Government.

A. P. & T's Memo No. SA-305(1)/32, dated the 12th February 1932.]

Director General's decision.—It has been decided in consultation with the Government of India, Finance Department, that, in cases in which an oral enquiry is held under Rule 55 of the Civil Services (Classification, Control and Appeal) Rules and the person charged and/or the witnesses called by him have to proceed from one station to another to appear before the officer conducting the enquiry, they will be entitled to travelling allowance as shown below :—

(1) The person charged	.. Travelling allowance as on tour under Supplementary Rule 154 read with item (2) of "Government of India's decisions" below it.
(2) The witnesses called by the officer conducting the enquiry, when they are Government servants.	Ditto Ditto.
(3) The witnesses called by the officer conducting the enquiry when they are not Government servants.	Travelling allowance under Supplementary Rule 190

The person charged will not be entitled to any travelling allowance if the enquiry is held at a place other than his headquarters expressly at his own request or if he is under suspension at the time the enquiry is held. If, however, the period of suspension is, by a later order in terms of Fundamental Rule 54, declared retrospectively to be a period spent on duty, then travelling allowance should *ipso facto* become admissible for a journey undertaken during the period of suspension to attend the enquiry.

[G. O., F. & T., endorsement No. S.-98/2, dated the 19th November 1938.]

Other cases

S. R. 155. A Government servant summoned to give evidence in circumstances other than those described in rule 154 or to serve as an assessor or juror in a court of law is not entitled, by reason of his position as a Government servant, to any payments other than those admissible by the rules of the court. If the court pays him any sum as subsistence allowance or compensation, apart from payment for travelling expenses, he must credit that sum to Government before drawing full pay for the day or days of absence.

Government of India's Orders.—The question has arisen whether an employee who is subject to the Payment of Wages Act, 1936, can legally pay to the Department fees or sums received by him from court as subsistence allowance or compensation. Such payment will amount to a deduction from wages within the meaning of the explanation to subsection (I) of Section 7 of the Payment of Wages Act, 1936 (IV of 1936), and is thus inadmissible under the provisions of that Section. The employee, therefore, cannot legally be asked to credit to Government the subsistence allowance granted to him by the court. This difficulty can

be solved by the issue of rules by High Courts the effect that in the case of Government servants who are subject to the Payment of Wages Act, 1936, such sums should be deposited by the courts themselves in the Treasury to the credit of the Government or Department concerned.

[G. I., F. D., No. 116/40-Judicial, dated the 9th September 1940, copy received with Auditor General's endorsement No. 433-Admn./190 40, dated the 14th October 1940.

Government of India's decision.—See item (3) of the Government of India's decisions below Supplementary Rule 154.

SECTION XVII.—JOURNEY TO OBTAIN MEDICAL [1]TREATMENT, ADVICE OR CERTIFICATE OR TO APPEAR BEFORE A MEDICAL BOARD].

[2]**S. R. 155-A.** When a member of a Superior Civil Service being of non-Asiatic domicile is serving in a station where there is no medical officer appointed by Government to attend him and when such officer or a member of his family requires medical treatment or advice —

(i) travelling allowance for the journey to and from the nearest station where there is such a medical officer may be granted to the officer or member of his family, or

(ii) in the alternative, if the patient is too ill to travel, travelling allowance may be granted to the nearest such medical officer from and to his headquarters.

In either case the application for travelling allowance must be supported by a certificate signed by the medical officer in question to the effect that medical treatment or advice was necessary, and, in the case of (ii), that the patient was too ill to travel. The controlling officer may require this certificate to be countersigned by the Administrative Medical Officer of the Province.

EXPLANATION.—For the purposes of this rule "Superior Civil Service" includes all services and posts named in the Superior Civil Service (Revision of Pay, Passage and Pension) Rules, 1924; or declared 'superior' under Section 67-A or Section 72-D of the Government of India Act.

[*For extracts from the Secretary of State's Services (Medical Attendance) Rules, 1938, see Appendix 28 of Volume II of this Compilation.*]

Government of India's decisions—

(1) No travelling allowance is admissible under Supplementary Rules 155-A and 155-B for journeys performed in connection with dental treatment or advice or for journeys performed in connection with any treatment or advice other than a treatment or advice by a medical officer, a physician specialist or a surgeon specialist.

[G. I., F. D., No. F.-9(108)-R.I./29, dated the 9th November 1929.]

[1] [] Substituted for the word "advice" with effect from the 24th July 1933.

[2] This rule takes effect from the 1st April 1928, any individual case which may have arisen after the 9th July 1926, to which this rule, if issued earlier, would have applied will be considered on its merits. [G. I., F. D., Resolution No. F.-51(87)-R. I./27 dated the May 1928.]

(2) Travelling allowance should not be paid to a Government servant for journeys performed by him to appear before a medical committee for obtaining a certificate of fitness to return to duty.

[G. I., F. D., No. F.-7(35)-R. I./34, dated the 21st May 1935.]

(3) The Government of India have decided to dispense with the countersignature by the Surgeon General, Bengal, of the certificates of the Staff Surgeon, Calcutta, under this rule.

[G. I., H. H. & L. Deptt. letter No. F.-17/32-H., dated the 4th January 1937.]

[1]**S. R. 155-B.** [2][In the case of a member of a Superior Civil Service of either Asiatic or non-Asiatic Domicile] and members of their families, if the medical officer first consulted considers the case to be of such a serious or special nature that he is unable or unwilling to treat it, he may, with the approval of the Administrative Medical Officer of the Province, which must be secured beforehand in all cases where this is possible without danger to the patient

(i) give a certificate authorising the officer or member of his family to draw travelling allowance to [and from] the nearest station where adequate treatment is available, or

(ii) in the alternative, certify that the patient is not fit to travel and that a specialist should be summoned from another station, and a certificate to this effect will authorise the specialist so called in to draw travelling allowance from and to his station.

[For extracts from the Secretary of State's Services (Medical Attendance) Rules 1938, see Appendix 28 of Volum II of this Compilation.]

S. R. 156. If, in order to obtain medical advice, a Government servant is compelled to leave a station at which he is posted and at which there is no medical officer of Government and travel to another station, he may, on production of a certificate from the medical officer consulted that the journey was, in his opinion, absolutely necessary, draw travelling allowance for the journey. General rule.

Government of India's decisions—

(1) Travelling allowance is not admissible for a journey undertaken to procure health certificate on first appointment to Government service.

[G. I., F. D., No. 7871-P., dated the 26th December 1903, page 128 of Posts and Telegraphs Supplement to C. S. R.]

(2) See item (2) of the "Government of India's decisions" under S. R. 155-A.

[1] This rule takes effect from the 1st April 1928, any individual case which may have arisen after the 9th July 1926, to which this rule, if issued earlier, would have applied will be considered on its merits. [G. I., F. D., Resolution No. F.-51(87)-R. I./27, dated the 1st May 1928.]

[2] [] Substituted for the words "In the case of officers to whom rule 155-A applies" with effect from the 24th July 1933.

[3] [] Inserted by G. I., F. D., Correction No. 546 (S.R.), dated the 1st November 1942.

[1]**S. R. 156-A. If, in order to obtain anti-rabic treatment, a Government servant is compelled to leave a station at which he falls ill and at which anti-rabic treatment is not available, and travels to the nearest station in the province in which he falls ill where the treatment is available, he may, on production of a certificate from his authorised medical attendant that the journey was in his opinion absolutely necessary, draw travelling allowance for the journey. This concession is admissible to a Government servant on leave.**

Note.—"Authorised medical attendant" means—

(1) in respect of a Government servant of non-Asiatic domicile—

(i) if the Government servant claims to be attended and treated by a European officer of the Indian Medical Service, the nearest such officer appointed by the Government to attend its officer of non-Asiatic domicile and stationed at one of the centres specified in the first Schedule to the Indian Medical Service (Reserved Posts) Rules, 1938;

(ii) in other cases, the Principal Medical Officer appointed by the Government to attend its officers in the district in which the Government servant falls ill, and includes a European military medical officer or other European physician or Surgeon with whom arrangements have been made by the Government to attend its officers of non-Asiatic domicile in the area in which the Government servant falls ill;

(2) in respect of any other Government servant, the principal medical officer appointed by the Government to attend its officers in the district in which the Government servant falls ill.

Journey to obtain medical certificate.

S. R. 157. If a Government servant, being stationed where there is no medical officer of Government, is required to obtain a medical certificate from a medical officer of Government in support of an application for an original grant of leave, he may draw travelling allowance for the journey undertaken to obtain that certificate.

Note.—Travelling allowance is *not* admissible for a journey to obtain a medical certificate in support of an application for an extension of leave.

S. R. 157-A. If a Government servant, having obtained a medical certificate in support of an application for an original grant of leave, is required to appear before a medical board, or to appear before a nominated medical officer of Government for further opinion as to the necessity for the leave recommended in that certificate, may draw travelling allowance for the journey undertaken to obtain that opinion.

Note.—Travelling allowance is *not* admissible for a journey to obtain a second medical opinion in support of an application for an extension of leave.

Previous permission necessary if obtainable.

S. R. 158. The journeys contemplated by rules 156 and 157 should not be undertaken without the previous permission of the controlling officer, if such permission can be obtained without risk to the Government servant requiring medical advice.

Postal officials.

[2]**S. R. 158-A. Extra Departmental Agents in the Post Office, Mail Guards, Postmen, Village postmen, all inferior servants in the Post Office and Bicycle mistries, Carpenters, Linemen, and all inferior servants in the Telegraph Traffic and Telegraph Engineering Branches, may, provided**

[1] This new rule was inserted by G. I., F. D., Correction No. 498 (S.R.), dated the 1st January 1940.

[2] This rule takes effect from the 9th July 1929.

their pay does not exceed Rs. 30 a month, draw actual travelling expenses for journeys undertaken in connection with their medical examination for admission to the Post Office Insurance Fund, subject to the conditions :—

(a) that a proposer who has been passed by the Civil Surgeon actually takes out a policy within the period prescribed by the rules of the Fund ; and

(b) that a proposer who has taken out a policy pays the premium on it for a period of not less than twelve months.

Government of India's decision.—Travelling Allowance is admissible under S. R. 158-A whenever the officials mentioned therein perform journeys for medical examination in connection with their insurance, irrespective of the fact whether the insurance is for the first time or not.

[G. I., F. D., Communications Branch letter No. D/945-PT/38, dated the 14th March 1938.]

S. R. 159. A probationary chaplain who is compelled to make a journey in order to obtain from a medical board the health certificate which he must produce before confirmation in Government service may draw travelling allowance for the journey. Probationary chaplains.

S. R. 160. (a) A Government servant who is directed by his official superior, in the interests of the public service, to apply for an invalid pension may, if he be required to make a journey in order to appear before a medical board, draw his actual travelling expenses, subject to a maximum of the amount of travelling allowance calculated for the journey. If it be necessary for him to return to his headquarters after appearing before the medical board, he may draw his actual expenses subject to the same maximum. In both cases his travelling allowance bill must be supported by a certificate that he was directed to apply for an invalid pension in the interests of the public service and that he did not voluntarily ask to retire. Journey to appear before a medical board preliminary to retirement.

(b) A competent authority may allow actual expenses, as limited by clause (a) of this rule, to be drawn by a Government servant who voluntarily applies for an invalid pension provided that the authority is satisfied that the circumstances of the applicant are such as to justify the concession.

Government of India's orders.—The Heads of Circles of the Indian Posts and Telegraphs Department are authorised to allow the actual cost of a journey to appear before a medical board preliminary to voluntary retirement on invalid pension.

[P. A., P. & T's. Endorsement No. M-202/33, dated the 20th June 1933.]

Auditor General's decision.—Having been invalided by a Civil Surgeon with effect from the 30th January 1935, a non-gazetted Government servant had to undertake subsequent to that date, for obtaining the attestation of the Medical certificate under Article 442 (b) C. S. R., several journeys to appear before the Medical Board which ultimately confirmed the Civil Surgeon's certificate retrospectively with effect from the 30th January 1935. The Government servant put in a claim for the

reimbursement of travelling allowance in respect of those journeys and a doubt was felt whether the case could be covered by the ordinary rules for travelling allowance. It has been decided, however, that S. R. 160 (a) does not become inoperative if, in a case like this, retirement takes retrospective effect from a date prior to the date on which the journey to appear before the Medical Board is performed.

[Ar. G's. letter No. 69-A/25-36, dated the 6th February 1936.]

Journey to appear before a medical board in other circumstances.

S. R. 161. Except as provided in rules 157-A, 159 and 160, no travelling allowance is admissible for a journey undertaken in order to appear before a medical board.

Rates of travelling allowance under this section.

S. R. 162. Travelling allowance under rules 155-A, 155-B, 156, [1][156-A], 157, 157-A, 159 and 160 (a) should be calculated as for a journey on tour, but no allowance may be drawn for halts on the journeys.

Government of India's Orders-

(1) A telegraphist who is compelled to travel to another station in order to obtain a medical certificate in connection with his transfer from the local or station service to the general service, should be granted travelling allowance for such journey as prescribed by this rule. These journeys should not, however, be undertaken without the previous permission of the controlling officer.

[G. I., T. & L. D., letter No. 67-P. T., dated the 29th November 1928.]

(2) The Divisional Engineers, Telegraphs, are authorised to permit in respect of officials under their control, the drawing of travelling allowance as for a journey on tour but without halting allowance to a Government servant required to make a journey in order to procure a medical certificate of fitness for Field Service.

[F. A., P.& T's. Endorsement No. M 262/33, dated the 7th December 1933].

(3) The Superintendents of Post Offices and Railway Mail Service and first class postmasters are authorised to permit in respect of officials under their control, the drawing of travelling allowance as for a journey on tour but without halting allowance to a Government servant required to make a journey in order to procure a medical certificate of fitness for Field Service.

(This order takes effect from the 20th June 1933)

[F. A., P. & T's. Endorsement No. M 262/33, dated the 20th June 1933.

SECTION XVIII.—JOURNEY IN ATTENDANCE ON AN INCAPACITATED GOVERNMENT SERVANT OR MEMBER OF HIS FAMILY.

[2]**S. R. 163. A medical officer of Government who considers that a Government servant on whom it is his duty to attend professionally should leave his station to obtain medical advice or treatment or to proceed on leave, and that it is unsafe for him to travel unattended, may, if he does not himself accompany him, arrange for an attendant to do so; and the attendant (a) if a Government servant, shall be deemed to have been**

[1] Inserted by G. I., F. D., Correction No. 498 (S. R.), dated the 1st January 1940.

[2] Revised by G. I., F. D., Correction No. 290 (S. R.), dated the 9th December 1933.

travelling on duty and may draw travelling allowance for the outward and return journey as for a journey on tour, and (b) if not a Government servant, may draw actual expenses.

When the medical officer's opinion as to the necessity for the journey and for an attendant during it cannot be obtained before its commencement, a certificate from him that the journey with an attendant was necessary is sufficient for the purpose of this rule.

This rule also applies to attendants on members of a Government servant's family when entitled to travelling allowance under rule 155-A or B.

SECTION XIX.—JOURNEY ON A COURSE OF TRAINING.

S. R. 164. When a Government servant or a student not already in Government service is selected to undergo a course of training, a competent authority may decide the scale, if any, on which he shall draw—

(a) travelling allowance for the original journey to and the last journey from the place of training, and for halts at such place ;

(b) in the case of training at a school, college or similar institution, travelling allowance for similar journeys on the occasion of holidays and vacations ; and

(c) travelling allowance for journeys during the course of training : provided that the scale so fixed shall not exceed that admissible to Government servants of similar status on duty at the place of training.

[*For rates of travelling allowance admissible to Posts and Telegraphs officials deputed to undergo a course of training, see Appendix 22 in Volume II of this Compilation.*]

Government of India's decision.—The Government of India have decided that the candidates selected in India for Imperial services proceeding to the United Kingdom for a period of probation should be provided with Peninsular and Oriental 2nd class "A" passages, but no railway fare up to the port of embarkation shall be allowed.

[G. I., F. D., letter No. F.-544-Estt., dated the 14th August 1922.]

[1]**S. R. 164-A. A military officer in civil employ, while detailed to attend a military course of instruction, is entitled to draw mileage and daily allowances at rates admissible to a military officer in military employ in similar circumstances.**

SECTION XX.—JOURNEY TO ATTEND A DARBAR OR LEVEE.

S. R. 165. A Government servant who is permitted to attend a darbar or a levee elsewhere than at his headquarters may draw travelling allowance for the journey as for a journey on tour.

Government of India's decision. Supplementary Rule 165 applies only to Government servants on duty.

[G. I., F. D., Communications Branch, letter No. D/368-PT/37, dated the 24th January 1938].

[1] Inserted by G. I., F. D., Correction No. 143 (S. R.), dated the 10th August 1931.

CHAPTER IV.—TRAVELLING ALLOWANCE ADMISSIBLE WHEN MEANS OF TRANSPORT ARE SUPPLIED WITHOUT COST TO THE GOVERNMENT SERVANT TRAVELLING.

SECTION XXI.—SUPPLY OF FREE ACCOMMODATION ON RAILWAY JOURNEYS.

Carriages reserved for the exclusive use of high officials

S.R. 166. The provision by Government of special railway accommodation for the exclusive use of particular Government servants requires the sanction, in each case, of the Secretary of State in Council. Of the Government servants to whom these rules apply, such sanction has been given in the case of the officers named in the following list to the extent shown in the second column of the list :—

(a) His Excellency the Viceroy and Governor General.	One standard gauge and one metre gauge train.
(b) Each member of the executive council of the Governor General.	One standard gauge saloon.
(c) The Agent to the Governor General in Rajputana.	One metre gauge saloon.
(d) The Agent to the Governor General in Central India.	One standard gauge saloon.
(e) The Agent to the Governor General and Chief Commissioner in Baluchistan.	One standard gauge saloon.
(f) Each member of the Railway Board.	One standard gauge saloon.
(g) The Chief Engineer with the Railway Board.	One inspection carriage.

S. R. 167 (2) When for any reason his special carriage is not available for the use of any of the officials named in rule 166, such official may reserve by requisition an inspection carriage.

[1](b) In circumstances similar to those mentioned in sub-rule (a) of this rule Members of the Executive Council of the Governor General may reserve by requisition ordinary first class compartments.

Reservation of inspection carriages.

S.R. 168. The Governor General in Council may grant to any Government servant the general right to reserve by requisition an inspection carriage when travelling by railway on tour. Of the Government servants to whom these rules apply, this right has been granted to the following officials:—

[2](a) (i) The Political Adviser to His Excellency the Crown Representative.

(ii) The Secretary to the Government of India in the External Affairs Department, when travelling on special tours of duty.

(b) The Director, Intelligence Bureau.

[1] Inserted by G. I., F. D., Correction No. 566 (S.R.) dated the 1st December 1946.

[2] As revised by G. I., F. D., Correction No. 582 (S.R.), dated the 1st March 1946.

(c) The Political Resident in Mysore, for journeys over the Mysore State Railway and the connected metre gauge lines.

(d) The Political Resident at Hyderabad, for journeys within the Hyderabad State.

(e) Military Adviser-in-Chief, Indian State Forces.

(f) The Agent to the Governor General, Punjab States.

[1][(g) The Hon'ble the Resident for the Eastern States (for extensive tours only).

NOTE.—This includes official visits to Mayurbhanj State.]

Reservation of ordinary first class carriages.

S.R. 169. The Governor General in Council may grant to any Government servant the general right to reserve by requisition an ordinary first class carriage of two compartments when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the following officials :—

(a) The Political Resident at Hyderabad, when travelling elsewhere than in the Hyderabad State.

(b) The Political Resident in Mysore, when travelling elsewhere than on the Mysore State Railway and connected metre gauge lines.

(c) The Political Resident in the Persian Gulf.

(d) The Agent to the Governor General in the States of Western India.

[2]NOTE.—The Agent to the Governor General in the States of Western India has also been granted the right to use the metre gauge saloon carriage placed at the disposal of the late Agent to the Governor, Kathiawar, by the proprietory States of the late Bhavnagar-Gondal-Junagadh-Porbundar Railway.

Reservation of first class compartments.

S.R. 170. The Governor General in Council may grant to any Government servant or class of Government servants the general right to reserve by requisition an ordinary first class compartment when travelling by railway on duty. Of the Government servants to whom these rules apply, this right has been granted to the following officials when making journeys by railway of over six hours' duration or journeys any part of which falls between the hours of 11 p.m. and 6. a.m. :—

(a) The Auditor General.

(b) [3][Secretaries to the Government of India, the Secretary to His Excellency the Crown Representative] and the Financial Adviser, Military Finance, including [4][Additional and] Joint Secretaries, but excluding the Secretary, Imperial Council of Agricultural Research Department.

(c) The Political Resident at Baroda.

(d) The Political Resident in Kashmir, when travelling between Sialkot and Jammu.

[1] [] Inserted by G. I., F. D. Correction No. 593 (S.R.) dated the 1st December 1946.

[2] Inserted by G.I., F. D. Correction No. 352 (S.R.). dated the 10th September 1935.

[3] [] Substituted for the words "Secretaries to the Government of India" by G.I., F. D. Correction No. 583 (S.R.). dated the 1st March 1946.

[4] [] Inserted by G. I., F. D., Correction No. 397 (S.R.), dated the 10th September 1936.

(e) The Educational Commissioner with the Government of India.
(f) The Public Health Commissioner with the Government of India.
(g) The Director General, Indian Medical Service.
(h) The Surveyor General.
(i) The Controller of the Currency.
(j) The Chief Engineer, Telegraphs.
(k) The Director General of Posts and Telegraphs.
(l) The Deputy Auditor General in India.
(m) The members of the Central Board of Revenue.
(n) The Vice-Chairman, Imperial Council of Agricultural Research Department.
[1](o) The Chief Commissioner, Andaman and Nicobar Islands (for journeys to and from the Headquarters of the Government of India.)
[2](p) Deputy Directors of the Intelligence Bureau.

S.R. 171. (a) When for any reason an inspection carriage or a first class carriage, as the case may be, is not available for the use of a Government servant empowered under rule 168 or 169, he may reserve by requisition an ordinary first class compartment.

(b) Such a Government servant may, for any journey, at his option, reserve by requisition a first class compartment in lieu of an inspection or first class carriage.

NOTE.—For the purposes of rules 170 and 171, a first class compartment means a compartment with the smallest number of berths (or seats where seats only are provided), other than coupe compartments, available in the train by which a Government servant travels.

Procedure of requisition.

S.R. 172. The procedure to be followed in submitting a requisition for reserved accommodation shall be such as may be prescribed by the Railway Board.

Effect of requisition of a carriage.

S.R. 173. When a Government servant travels in a carriage reserved by requisition, the carriage is entirely at his disposal and may be detached and detained at any railway station at his request.

Free passes.

S.R. 174. The issue of free passes for journeys by railway is regulated by rules made in this behalf by the Railway Board.

SECTION XXII.—TRAVELLING ALLOWANCE ADMISSIBLE WHEN THE WHOLE OR PART OF THE MEANS OF CONVEYANCE IS SUPPLIED WITHOUT CHARGE.

SUB-SECTION (I).—JOURNEYS BY RAILWAY.

Journeys made by railway in accommodation reserved by requisition.

S.R. 175. The travelling allowance admissible to a Government servant who makes a journey by railway in accommodation reserved by requisition is prescribed in sub-section (iv) of section IX and elsewhere in these rules.

Free transit by railway otherwise than in

S.R. 176. When a Government servant is entitled to or is allowed free transit by railway otherwise than in accommodation reserved by requisition, whether on a free pass or otherwise, the mileage allowance which he

[1]Inserted by G. I., F. D., Correction No. 597 (S.R.), dated the 10th September 1936.

[2] Inserted by G.I., F.D., Correction No. 440 (S.R.), dated the 1st March 1938.

draws for the journey must, except in cases covered by rule 82, 83, 84 or 85, be reduced by the amount of the fare which, but for such free transit, he would have paid. This rule applies to cases in which a free pass is issued on any railway, whether worked by Government or not. The reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made. accommodation reserved by requisition

Government of India's decision.—Consequent on the decision of the North Western Railway authorities that the surcharge of Rs. 3 for a journey between Kalka and Simla by rail motor should also be recovered from the officers of the Posts and Telegraphs Department travelling on duty on card passes, the Governor General in Council has permitted first grade officers of the Posts and Telegraphs Department to travel by rail motors on the Kalka-Simla Section and to recover the amount of the surcharge in their travelling allowance bills provided that the journey by this mode of conveyance is necessary in the interest of public service.

The claim for the recovery of the extra charge should be supported by a certificate by the travelling officer that the journey by rail motor was necessary in the interest of service and the certificate should be countersigned by the Controlling Officer.

[F. A. (C's) endorsement No. S. 249-23/43, dated the 23rd December 1943.]

Director General's Instructions—

(1) A railway pass issued to an officer of this Department allows the free transit of one or two servants according as the pass is a second or a first class one, respectively. In his travelling allowance bill the officer has to deduct the value of the servant's fare or fares he would otherwise have paid had he not taken advantage of the concession allowed by the pass. The use of the word " servant " has apparently led officers to think that peons are not covered by the pass and their fares should always be paid for in cash whether the concession is utilised to the full or not. This, however, is a misapprehension.

All officers using railway passes should make use of the concession allowed by the passes to the full by conveying their peon or peons on the passes.

[D. G., P. & T. (Tel. Eng.) G. O. No. 44, dated the 25th February 1925.]

(2) All officers of the Department should, for all ordinary journeys on tour undertaken by them in the course of their duties between places connected by railway, use the free passes supplied to them. Instances are, however, not rare when an officer draws daily allowance instead of railway mileage specially in connection with short journeys by rail. In such cases, i.e., when the officer concerned actually travels by rail but claims daily allowance for the journey instead of the ordinary travelling allowance he should deduct from his travelling allowance bills, the fare covered by the pass.

When road mileage is claimed for journeys by road between places connected by railway, brief particulars why the journey was not performed by railway and the public interest served thereby, should be noted in the travelling allowance bills before they are submitted to the counter-signing authority who should decide whether the full rate of travelling allowance should be passed in such a case or whether it should be limited to what would have been admissible had the officer availed himself of the free pass supplied to him.

Inspectors of Post Offices and cash overseers should also deduct from their travelling allowance bills, the cost of the railway fare for journeys actually performed by railway, and they should, for all ordinary journeys between stations connected by railway, use the free passes supplied to them. In cases requiring immediate attention, they may travel by motor buses, instead of by rail, but in every such cases, *i.e.*, when they travel by motor buses between places connected by railway, clear reasons for not using the free passes, should be noted in the travelling allowance bills and the purpose of each such journey should be distinctly stated. The countersigning officer should examine these reasons carefully and when assured of their validity, should make a remark that in his opinion, it was in the interest of the public service that the official concerned did not avail himself of the free pass supplied to him. The principles laid down in the Government of India's orders reproduced below Supplementary Rule 31 should be followed in such cases.

[D. G., P. & T's endorsement No. S-249/22, dated the 29th March 1940.]

[1]**S.R. 176-A. When a Government servant of the Railway Audit Branch of the Indian Audit Department, Gazetted or Non-gazetted, who entered service on or after the 1st of January 1934, travels on duty on a duty pass in connection with the work of the Branch outside headquarters, he is entitled to travelling allowance as follows :—**

(a) If he is given the use of an Inspection Carriage, daily allowance for each day of absence from headquarters ;

(b) Otherwise, travelling allowance under the ordinary rules subject to deductions being made not only on account of the fare which, but for free transit, he would have paid for himself but also in respect of all the concessions which the duty pass covers, including fares for servants and freight on luggage if carried in excess of the free allowance admissible on a ticket. An officer who claims travelling allowance without making all the deductions contemplated, should furnish a certificate in the following form :—

" Certified that I did not use the pass in respect of any fare or fares (including fares for servants) for which no deduction is made and that the luggage carried was not in excess of the free allowance admissible on a ticket ".

[1]Inserted by G. I., F. D., Correction No. 314 (S.R.), dated the 19th January 1935.

S.R. 177. When a Government servant in receipt of permanent travelling allowance uses a free pass on a railway within his sphere of duty, he must deduct from his permanent travelling allowance for the month the amount of the railway fares which he would have paid if he had not travelled on a pass. Government servant in receipt of permanent travelling allowances.

S.R. 178. When a Government servant is permitted to travel by railway in a higher class on payment of a lower fare, his mileage allowance must be reduced by the amount by which the fare of the class in which he travels exceeds the fare actually paid. Government servant entitled to travel in a higher class on payment of a lower fare.

S.R. 179. Except as provided in rule 84, a Government servant travelling with a free pass on an unopened line of railway is entitled to the travelling allowance prescribed in rule 182 as limited by rule 184. Government servant travelling with a free pass on an unopened line of railway.

SUB-SECTION (II).—JOURNEYS BY SEA OR RIVER STEAMER.

S.R. 180. When a Government servant travels by sea or river, otherwise than on payment of passage money, in a steamer the cost of which is paid by Government or by a local fund, he may draw no travelling allowance except the daily allowance of his grade ; provided that, when his servants and luggage are not conveyed on the vessel but are sent separately at his expense, he may draw in addition the actual cost of transporting them. Journey by Government vessel.

Auditor General's decision.—Officers travelling in Government vessels are not entitled to recoupment of any portion of the charges payable by them for board provided on the vessels. Under the above rule the officers should settle their messing bills direct with the Commander of the vessel.

[Ar. G's No. 779-A—253-22, dated the 16th November 1922.]

S.R. 181. When a Government servant is allowed free transit by sea or river steamer, otherwise than in a Government vessel, the mileage allowance which he draws for the journey must be reduced by the amount of the fare which, but for such free transit, he would have paid. If he travels on a free pass, the reduction made must include the full number of fares covered by the pass, unless the Government servant certifies that he did not use the pass in respect of any fare or fares for which no reduction is made. This rule does not apply to cases in which a Government servant is allowed a free pass by a steamship company without cost to Government ; unless the free pass is issued in connection with his official status or duties or as part of a regular arrangement with Government for the conveyance of mails, etc. Journey by other than Government vessel.

[1]SUB-SECTION (II-A).—JOURNEYS BY AIR.

[1]S.R. 181-A. [2][When a Government servant is allowed free transit by air in a Government machine or in a machine chartered by Government for the purpose, he is entitled to travelling allowance as follows]:—

(a) If he has not to provide separate conveyance at his own expense for his servants or luggage, he may draw the daily allowance of his grade

[1]Inserted by G. I., F. D. Correction No. 179 (S.R.)., dated the 10th July 1931.
[2][] As revised with effect from the 30th November 1933.

Director General's Instructions.—No fourth class officer may, for a journey by road not exceeding 20 miles, exchange his daily allowance for mileage when the means of locomotion are provided at the expense of Government, Local Fund or an Indian State.

[D. G., P. & T's letter No. S.-249/12, dated the 17th April 1935.]

Journeys by Government motor-car.

S.R. 185. A Government servant, who travels by a motor-car which has been supplied to him at the expense of Government on the condition that he himself bears the ordinary cost of maintenance, may draw travelling allowance as for a journey on tour, but the amount of the mileage allowance which he may draw is limited by the following conditions :—

(a) If he travels by the motor-car more than 20 miles in one day, he may draw for the first 20 miles the mileage allowance of his grade and for the remainder of the journey three-fourths of such mileage allowance.

(b) If he combines with a journey by the motor-car a road journey by other conveyance, he may draw the mileage allowance admissible for the first 20 miles or for the journey by other conveyance, whichever is greater, and for the remainder of the journey three-fourths of such mileage allowance.

(c) If he combines with a journey by road, whether made wholly or partly in the motor-car, a journey by railway or steamer, he may draw mileage allowance for the journey by railway or steamer in addition to the allowances admissible under clauses (a) and (b) of this rule for the journey by road.

Chauffeurs of Government motor-cars.

S.R. 186. The chauffeur of a motor-car supplied at the expense of Government, when making a journey by road on the motor-car in his charge, may draw travelling allowance under the provisions of rule 182 (a) if the journey involves an absence of at least one night from his headquarters. For a journey which does not involve such an absence he is entitled to no travelling allowance.

CHAPTER V—GRANT OF TRAVELLING ALLOWANCE TO PERSONS WHO ARE NOT IN THE CIVIL SERVICE OF THE CROWN.

SECTION XXIII.—GOVERNMENT SERVANTS IN MILITARY EMPLOY.

General rule.

S.R. 187. Except as provided in rule 188, the travelling allowance admissible to Government servants in military employ is governed by military regulations.

Military officers invited to attend a darbar or levee.

S.R. 188. When a commissioned Indian Military Officer of the regular forces, the military police or the militia, whether on the active or the retired list, is invited to attend a darbar or levee at a place other than that at which he is stationed or has his residence, a competent authority may grant him travelling allowance for the journey subject to the following limits :—

(a) For the journey from his station or place of residence to the place at which the darbar or levee is held and thence back to his

starting point, single railway and steamer fares actually paid and actual travelling expenses for journeys by road subject to the maximum admissible to a Government servant of the first grade.

(b) For halts at the place at which the darbar or levee is held, a daily allowance of Rs. 4½.

SECTION XXIV—OTHER PERSONS.

Honorary Magistrates.

S.R. 189. An Honorary Magistrate, not being a Government servant, may, when employed on Government work under the orders of a District Magistrate or Sub-Divisional Officer at a distance exceeding five miles from his headquarters, or when the bench which he attends is situated at a similar distance from his residence, draw for journeys by railway double second class fare and for journeys by road annas four for each mile travelled. During halts when similarly employed, he may draw daily allowance of Rs. 4½ subject to the conditions applicable to halts of Government servants on tour.

Persons attending commissions of inquiry etc.

S.R. 190. (a) When any person, not being a Government servant, is required to attend any meeting of a commission of inquiry or of a board, conference, committee or departmental inquiry convened under proper authority, or is required to perform any public duties in an honorary capacity, a competent authority may grant him travelling allowance for the journey calculated under the ordinary rules for the journey of a Government servant on tour ; and for this purpose may, with due regard to such person's position in life, declare by general or special order, the grade to which he shall be considered to belong.

(b) In a case of the kind contemplated by clause (a) of this rule, a competent authority may, in its discretion, grant to the person concerned his actual travelling, hotel and carriage expenses instead of travelling allowance under that clause, if it considers that such allowance would be inadequate.

(c) A competent authority may delegate the power conferred upon it by clause (a) of this rule to the Government servant presiding over the meeting of the commission or other body which the person concerned is required to attend.

[*For Administrative Instructions issued by the Governor General in Council regarding " Grant of travelling allowance to persons not in the Civil Service of the Crown, who are required to attend commissions of enquiry, etc.,", see Part VII (2) of Appendix 3 in Volume II of this Compilation.*]

Government of India's orders.—The following principles should be observed in granting travelling allowances to witnesses, who are not Government servants but are summoned on behalf of an officer whose conduct is the subject of a departmental enquiry held by officers, serving directly under the Government of India :—

(*i*) Travelling allowances may be paid to the witnesses summoned, in the event of the officer concerned clearing himself ;

(*ii*) Such allowances will be paid only in respect of witnesses whose evidence is considered to be of material value by officer conducting the enquiry ;

(*iii*) In exceptional cases the officer conducting the enquiry may, on grounds to be recorded, recommend to the Government of India that the principles laid down above be departed from owing to special reasons and it is for the Government of India to accept or reject the recommendation.

[G. I., H. D., letter No. F-422/27-Public, dated the 5th June 1928.]

Director General's decision.—See Director General's decision below Supplementary Rule 154.

CHAPTER VI—CONTROLLING OFFICERS.

SECTION XXV—SIGNATURE ON TRAVELLING ALLOWANCE BILLS.

Controlling Officer to be declared by competent authority.

S.R. 191. A competent authority shall declare what authority shall be the controlling officer, for travelling allowance purposes, of each Government servant or class of Government servants. It may, if it thinks fit, declare that any particular Government servant shall be his own controlling officer.

[*A list of Government servants of the Posts and Telegraphs Department declared as controlling officers for travelling allowance purposes is given in Appendix No. 24 in Volume II of this Compilation.*]

Government of India's declaration—

(1) The following heads of departments under the Finance Department shall be their own controlling officers for travelling allowance purposes : —

1. Auditor General.
2. Controller of Currency.
3. Accountants General and Comptroller, Assam.
4. Deputy Controllers of Currency.
5. Chief Auditors excepting Chief Auditor, Railway Clearing Accounts.
6. Mint and Assay Masters.
7. Chief Auditor Indian Stores Department.

For officers subordinate to them, they shall be competent to declare what authority shall be the Controlling Officer.

[G.I., F. D., No. 431-E.B., dated the 12th May 1922., No. F. 5 (102)-R.I./39, dated the 30th November 1939 and Ar. G.'s U. O. No. 2278 GBE, KW., 619-41, dated the 21st August 1945.]

NOTE—The Comptroller, North West Frontier Province, Sind and Orissa have been authorised to exercise all the powers of an Accountant General.

[G. I., F. D., letter No. F/38-VII/Ex. I/32, dated the 9th June 1932, Ar G's endorsement No. 468-/G.B.E.-81-34, dated the 19th February 1934 and G. I., F. D., letter No. F. 9(1)-Ref./36, dated the 8th April 1936.]

(2) The Government of India have declared that the Director General of Posts and Telegraphs shall be his own controlling authority for the purpose of rule 191 of the Supplementary Rules.

[G. I. I. & L. D. No. 67-P.T.E., dated the 8th July 1926.]

(3) The Master, Security Printing, India, shall be his own controlling officer for travelling allowance purposes.

[G. I., F. D., letter No. D-5455-R.II, dated the 9th October 1928.]

(4) The Financial Adviser, Communications, shall be his own controlling officer for the purpose of travelling allowance.

[G. I., F. D., endorsements No. F. 9(5)-Ex.II/40, dated the 1st June 1940 and 4th July 1940.]

(5) The Collectors of Customs at Bombay, Calcutta, Madras, Rangoon and Karachi shall be their own Controlling Officers for purposes of travelling allowance.

[G. I., F. D., letter No. D-5658-C.S.R., dated the 10th November 1924.]

Signature of controlling officer necessary on travelling allowance bill.

S.R. 192. Except as provided in rule 193, no bill for travelling allowance, other than permanent travelling allowance, shall be paid unless it be signed or countersigned by the controlling officer of the Government servant who presents it.

Exceptions.

S.R. 193. The following classes of Government servants may present bills for travelling allowance without the countersignature of the controlling officer :—

(a) Chaplains : provided that the bill is accompanied by the order, authorising the journey, of—

(i) the Bishop or Commissary of the diocese, in the case of a chaplain of the Church of England, or

(ii) the Presidency Senior Chaplain, in the case of a chaplain of the Church of Scotland.

[1](b) Assistant Directors of Audit, Defence Services, Assistant Audit Officers, Defence Services, Calcutta and Quetta, Postmasters General, Deputy Postmaster-General, Sind and Baluchistan, *Deputy Postmasters General, Railway Mail Service, Directors,* Telegraph Engineering, *the Archaeological Superintendent,* Southern Circle, Madras, the Superintendent for Epigraphy, Madras, and the Government Epigraphist for India so long as his headquarters are in the Presidency of Madras, provided that duplicate bills are at the same time forwarded to the controlling officers concerned, for counter-signature and transmission to the Audit Officer.

(c) Non-gazetted Government servants ; provided that detailed and countersigned bills are subsequently submitted to the audit officer for adjustment.

Government of India's Order.—The general Managers, Telephone Districts at Calcutta, Bombay and Madras, may present their own travel-

[1]As revised by G.I., F. D., Correction No. 503, (S.R.), dated the 1st March 1940.

ling allowance bills for payment without the countersignature of the Controlling Officer, provided that duplicate copies of the bills are at the same time forwarded to the Director General, for countersignature and onward transmission to the Audit Office concerned.

[F. A. (C's) Endorsement No. S.R.-249-3/44, dated the 28th February 1944.]

Delegation of duty of counter-signature.

S.R. 194. Except where expressly permitted by a competent authority, a controlling officer may not delegate to a subordinate his duty of countersignature.

SECTION XXVI.—DUTIES AND POWERS.

S.R. 195. It is the duty of a controlling officer, before signing or countersigning a travelling allowance bill ;—

(a) to scrutinise the necessity, frequency and duration of journeys and halts for which travelling allowance is claimed, and to disallow the whole or any part of the travelling allowance claimed for any journey or halt if he considers that a journey was unnecessary or unduly protracted or that a halt was of excessive duration ;

(b) to scrutinise carefully the distances entered in travelling allowance bills ;

(c) to satisfy himself that [1] [mileage allowance for journeys by railways or steamer, excluding additional fare or fares allowed for incidental expenses, has been claimed at the rate applicable to the class of accommodation actually used and that], where the actual cost of transporting servants, personal effects, etc., is claimed under these rules, the scale on which such servants, effects, etc., were transported was reasonable ; and to disallow any claim which, in his opinion, does not fulfil that condition ;

(d) to check any tendency to abuse the option of exchanging daily allowance for mileage allowance ; and

(e) to observe any subsidiary rules [2][or orders] which a competent authority may make for his guidance.

[3][(f) to satisfy himself before permitting a claim under rule 38 that the Government servant actually bought a through ticket at the rate claimed and that it was not possible for him to get a through ticket at a cheaper rate by paying only for the appropriate class of accommodation over that portion of the journey where accommodation of that class was available.

Audit Instruction.—See Audit Instruction below S.R. 32-A.

[1][] Inserted by G.I., F. D., Correction No. 321 (S.R.), dated the 15th March 1935.

[2][] Inserted with effect from the 1st January 1941.

Inserted by G.I., F. D., Correction No. 471 (S.R.)., dated the 13th December 1938.

Director General's Instructions—

(1) All controlling officers are requested to see that claims for the cost of transporting personal effects under S.R. 116 (*a*) I (*iii*) are supported by receipts or vouchers.

[D. G., P. & T's (P. O.) G. O. No. 2, dated the 10th April, 1924.]

(2) It has been brought to notice that proper check is not exercised by the controlling authorities over the distances by road shown in Travelling Allowance Bills. This may result in overpayment of travelling allowance charges in some case, as Audit exercises only a test check over these distances. The attention of all controlling officers is therefore drawn to the necessity of a careful and thorough check of the distances by road shown in Travelling Allowance Bills as required by Supplementary rule 195 (*b*) and of maintaining an up to date table of distances for this purpose.

[D. G., P. & T's General Circular No. 34, dated the 30th November 1931.]

(3) The controlling officers of the Department are responsible for seeing that Government servants under their control draw mileage allowance in accordance with the provisions in Supplementary Rule 32-A and in order to enable them to discharge this responsibility, all officers of the Department when submitting their travelling allowance bills for counter-signature, should intimate either in the bill itself or in a covering letter the fact, if any, of their having travelled by a class lower than that for which travelling allowance is admissible to them. If an officer who travelled by a lower class claims the normal travelling allowance, the reasons for doing so should always be specified. In *all* cases officers, whether gazetted or non-gazetted, should give in their travelling allowance bills a certificate that the claims representing payment of railway or steamer fares are for the fares of the class of accommodation actually used.

The intention of the above orders is to insist on such a certificate in respect of journeys performed on actual payments of fares. This certificate need *not*, therefore, be furnished in respect of journeys performed on free duty passes.

[D. G., P. & T's Memorandum No. S-249/10, dated the 4th June 1935 and General Circulars No. 22, dated the 25th October 1943 and No. 36, dated the 14th February 1944.]

PART III.—RECORDS OF SERVICE.

Division VII.

[Rules made by the Governor General in Council under Fundamental Rule 74(a)(iv)]

GAZETTED GOVERNMENT SERVANTS.

S. R. 196. A record of the services of a gazetted Government servant will be kept by such audit officer and in such form as the Auditor General may prescribe.

NON-GAZETTED GOVERNMENT SERVANTS.

Service Books.

S. R. 197. A service book in such form as the Auditor General may prescribe must be maintained for every non-gazetted Government servant holding a substantive post on a permanent establishment [1][or officiating in a post or holding a temporary post] with the following exceptions :—

(a) Government servants the particulars of whose service are recorded in a history of services or a service register maintained by an audit officer.

[2](b) Government servants officiating in posts or holding temporary posts, who are recruited for purely temporary or officiating vacancies for short periods and are not eligible for permanent appointment.

(c) Policemen of rank not higher than that of head constable.

[3](d) Postmen and village postmen (excluding head postmen, overseer postmen, and sorting or reader postmen), and mail guards in the Railway Mail Service and linemen or line riders in the Telegraph Engineering Branch recruited after the 15th November 1933.

(e) Permanent subordinate non-pensionable servants in State railways, for whom a special form of record has been prescribed.

(f) Inferior servants of all sorts.

S. R. 198. In all cases in which a service book is necessary under rule 197, such a book must be supplied for a Government servant, at his own cost, on his first appointment to Government service. It must be kept in the custody of the head of the office in which he is serving and transferred with him from office to office. It may be given up to the Government servant if he resigns or is discharged from the service without fault, an entry to this effect being first made in the service book.

Auditor General's decision.—There is no objection to the service book being returned to a pensioner, if asked for by him, after the pension

[1] [] Inserted by G. I., F. D., Correction No. 408 (S. R.), dated the 10th November 1936.

[2] Inserted by G. I., F. D. Correction No. 458 (S.R.), dated the 1st September 1933.

[3] As revised by G. I., F. D., Correction No. 269 (S.R.), dated the 11th January 1934.

has been sanctioned. In such cases, a closing entry under the signature of the proper authority should be made prominently in the book at the end of the record of service as follows :—

"Mr. left the service on pension on (date), and this book is returned to him at his own request".

[C. G's letter No. 1086-A. & A.-506-16, dated the 8th December 1916, page 86 of the Post and Telegraph Supplement to C. S. R.]

Director General's Instructions.—When the owner of the service book dies it should be made over (if applied for) to his nearest relative (or representative) on the authority of the Head of the Circle, Superintendent of Post Offices or Railway Mail Service, First Class Postmaster, Superintendent or Deputy Superintendent in charge of a Departmental Telegraph Office, Divisional Engineer Telegraphs, Controller of Telegraph Stores, Superintendent of Telegraph Workshops or Sub-Divisional Officer, Telegraphs, as the case may be.

[D. G., P. & T's U. O. No. P & T./M.-307, dated the 31st March 1928.]

S. R. 199. Every step in a Government servant's official life must be recorded in his service book, and each entry must be attested by the head of his office, or, if he himself is the head of an office, by his immediate superior. The head of the office must see that all entries are duly made and attested, and that the book contains no erasure or over-writing, all corrections being neatly made and properly attested.

Government of India's Orders—

(1) In relaxation of the provision of S. R. 199, Heads of Accounts Offices are permitted to delegate to a subordinate gazetted officer the duty of examining and attesting entries in the service books of the non-gazetted staff.

[G. I., F. D., letter No. F./35/I/R.II, dated the 2nd March 1929.]

(2) The following officers of the Indian Posts and Telegraphs Department who are not heads of offices, are authorised to attest the entries in service books (except their own service books) which are required to be maintained by their heads of offices :—

(i) Post Office Accountants in the selection grades and Divisional Accountants (in the Engineering Divisions);

(ii) Head Record Clerks, R. M. S.;

(iii) Any Gazetted Officer or a Superintendent in the 'Grade A' Circle Office (Rs. 350—450 old scale) or any officer in the selection grade authorised by the head of the office, if there is no accountant in the selection grade in the office.

The above-mentioned officers who have been authorised to attest entries in Service Books and Service Rolls are also authorised (i) to keep these documents in their custody, and (ii) to attest entries in the leave accounts, provided that the head of the office concerned remains responsible for the proper maintenance of, and attestation of entries in, Service Books and Service Rolls and leave accounts and for their

ously. In order to ensure that the head of the office does exercise general supervision in this matter, it is ordered that the head of the office should inspect at least 10 per cent. of these documents every year and initial them in token of having done so.

[P. & T. Endorsement No. S. A.-82(23)/30, dated the 30th June 1932, No. E.S.B. 1(2)—232, dated the 15th November 1933 and E. A. (C's) endorsement No. 132-3/44, dated the 24th November 1945.]

(3) The following powers have been delegated to the Senior Accountant of the office of the Accounts Officer, Telephone Revenue, Delhi, in respect of the staff of that office other than the Senior Accountant himself :—

(i) to attest the entries in service books and service rolls,

(ii) to keep the documents in his custody, and

(iii) to attest entries in the leave accounts.

The delegation is made subject to the conditions that the Accounts Officer, Telephone Revenue, shall remain responsible for the proper maintenance of the service books, service rolls and leave accounts, for the attestation of entries in these documents and for their custody, and that the Accounts Officer, Telephone Revenue shall inspect at least 5 per cent. of those documents every year and initial them in token of having done so.

[E. A. (C's) Endorsement No. E-1/32-1-13, dated the 22nd April 1943.]

Director General's Orders.—With regard to the annual inspection of at least 10 per cent. of the service books and service rolls as required by item (2) of the 'Government of India's orders' above, an Assistant Postmaster General should be considered as the Head of the Office so far as the Circle Office, Dead Letter Office and the Stock Depot are concerned. For this purpose the Senior Electrical Engineer should also be treated as Head of the Office in respect of the Electrical Engineer-in-Chief's Office Establishment.

[P. & T. Endorsement Nos. ESB-132-1/134 and E 132-3/43, dated the 2nd September 1935 and the 12th July 1943.]

S. R. 200. Every period of suspension from employment and every other interruption of service must be noted, with full details of its duration, in an entry made across the page of the service book and must be attested by the attesting officer. It is the duty of the attesting officer to see that such entries are promptly made.

S. R. 201. Personal certificates of character must not, unless the head of the department so direct, be entered in a service book but, if a Government servant is reduced to a lower substantive post, the reason of the reduction must be briefly shown.

S. R. 202. It is the duty of every Government servant to see that his service book is properly maintained as prescribed in rule 199 in order that there may be no difficulty in verifying his service for pension. The head of the office should therefore permit a Government servant to examine his service book should he at any time desire to do so.

Director General's Instructions.—It is incumbent on every Government servant to see that his Service Book is properly maintained and it is therefore necessary that an official should be allowed to examine his Service Book whenever he wishes to do so. The head of the office should therefore permit an official to examine his Service Book should he at any time desire to do so, but such scrutiny of Service Book by the official concerned must always be made in the presence of a responsible official. As a token of his scrutiny and acceptance of entries in the Service Book, the official should sign his name in the relevant column of the Service Book and the official who supervised the scrutiny will also endorse his signature as evidence that the scrutiny was conducted under proper supervision and the supervising officer is satisfied that it was *bona fide* and that no unauthorised changes were made in the entries in the Service Book in the course of such scrutiny.

[D.G.,P. & T's Endorsement No.E.S.B.132-2 32, dated the 18th July 1933.]

S. R. 203. If a Government servant is transferred to foreign service, the head of his office or department must send his service book to the audit officer. The audit officer will return it after noting in it, under his signature, the order sanctioning the transfer, the effect of the transfer in regard to leave admissible during foreign service and any other particulars which he may consider to be necessary. On the Government servant's re-transfer to Government service, his service book must again be sent to the audit officer, who will then note in it, over his signature, all necessary particulars connected with the foreign service. No entry relating to the time spent in foreign service may be attested by any authority other than the audit officer.

Service Rolls.

S. R. 204. In the case of policemen of rank not higher than that of head constable, there must be maintained for each district by the District Superintendent of Police a service roll in English, in which the following particulars should be recorded [1][for each man in the constabulary holding substantively a permanent post and for each man in such constabulary officiating in a post or holding a temporary post, who is not recruited for a purely temporary or officiating vacancy for a short period and who is eligible for permanent appointment] :—

(a) The date of his enrolment.

(b) His caste, tribe, village, age, height and marks of identification when enrolled.

(c) The rank which he from time to time holds, his promotions, and his reductions or other punishments.

(d) His absences from duty, with or without leave.

(e) Interruptions in his service.

(f) Every other incident in his service which may involve forfeiture of a portion of it or may affect the amount of his pension.

[1] Substituted for the words "for each man holding substantively a permanent post or officiating in a post or holding a temporary post in the constabulary" by G. I., F. D., Correction No. 458 (S.R.), dated the 1st September 1938.

The roll must be checked by the vernacular roll and order book and the punishment register and every entry in it must be signed by the District Superintendent.

S. R. 205. A service roll as described in rule 204 must be maintained for every other class of [1][permanent, temporary or officiating] non-gazetted Government servant for whom no service book is necessary, except [2][* * *] coolies in the Post Office Department and the Government servants mentioned in exceptions (a), [3][(b) and (e)] under rule 197.

Director General's Instruction.—The Director General has decided that the officers empowered in his memorandum No. S.A.-82(23)/30, dated the 30th June 1932, to attest entries in service books [*vide* item (2) of Government of India's orders under S. R. 199] should also exercise the power of attesting entries in service rolls.

[D. G., P. & T.'s Endorsement No. S.A.-82(23) 39, dated the 6th September 1932.]

[1] [] Inserted by G. I., F. D., Correction No. 426 (S.R.) dated the 1st September 1937.

[2] [] Deleted with effect from the 2nd January 1931.

[3] [] Substituted for the words 'and (d)' by C. I. F. D. Correction No. 4[illegible], dated the 1st September 1938.

PART IV.—LEAVE.

Division VIII.—Authorities empowered to grant leave.

[Rule made by the Governor General in Council under Fundamental Rule 66.]

S. R. 206. Any leave, other than special disability leave, admissible under the fundamental rules may be granted to a non-gazetted Government servant by the authority whose duty it would be to fill up his post if it were vacant. Non-gazetted Government servants

[1]NOTE 1.—(a) The General Manager, Rajputana Salt Sources Division, Sambhar; the Administrative Officer, Salt Range Division, Khewra; the Chief Mining Engineer, Khewra; the Electrical and Mechanical Engineer, Khewra; the Assistant Collectors, Eastern and East Central Divisions in the Central Excises and Salt Department, North-Eastern India and the Assistant Collectors, West Central and North-Western Divisions in the Central Excises and Salt Department, North-Western India, are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules, to all non-gazetted Government servants below the rank of Deputy Superintendents provided that no extra expenditure other than that involved in the grant of acting promotion to the upper scale and selection grades of clerks is incurred.

(b) In the Bombay Salt Department, the Assistant Collectors of Salt Revenue are empowered to sanction such leave to the clerical establishment working under them, provided that no extra expenditure is involved in the case of leave granted otherwise than on full average pay equal to one-eleventh of the period spent on duty.

(c) In the Madras Salt and Customs (Outports) Department, the Assistant Commissioners of Salt Revenue and the Inspectors placed in charge of Pondicherry and Karikal Frontiers are empowered to sanction such leave to Sub-Inspectors within their jurisdiction.

NOTE 2. [2][* * *]

NOTE 3.—The Presidency Postmasters, Calcutta, Bombay and Madras, and the Postmaster, Rangoon, are empowered to sanction leave, other than disability leave, to Government servants in the Lowest Selection Grade under their control.

NOTE 4. [3][* * *]

NOTE 5. [4][* * *]

NOTE 6.—[5][* * *]

[6]NOTE 7.—The Superintendent of Lighthouses, Madras Lighthouse District is empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules, to the Lighthouse Mechanics stationed at Madras.

NOTE 8.—[7][* * *]

[8]NOTE 9.—The Resident at Jaipur, the Resident in Mewar and Political Agent, Southern Rajputana States, the Resident, Western Rajputana States, the Political Agent, Eastern Rajputana States, the Assistant Resident in Mewar, and the Superintendent, Government Railway Police, Rajputana, are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules to the non-gazetted ministerial staff serving under them.

As revised by G. I., F. D., Correction No. 508 (S.R.), dated the 1st May 1940.

[1] [] Deleted by G. I., F. D., Correction No. 499 (S. R.), dated the 13th December 1938.

[2]Inserted with effect from the 23rd May 1931.

[3] [] Deleted by G.I., F. D., Correction No. 508 (S.R.), dated the 1st May 1940.

[4] [] Deleted by G. I., F. D., Correction No. 504 (S.R.), dated the 1st March 1940.

[5]Inserted with effect from the 27th November 1933.

[6]Inserted with effect from the 18th September 1935.

[1]**NOTE 10.—The Deputy Superintendent of Lighthouses, Bombay, is empowered to grant leave, other than disability leave, to lascars and contingency menials employed at the General Lighthouses in the Bombay District, in accordance with the standing rules and orders.**

[2]**Note 11.—The Chief Aerodrome Officer, Civil Aviation Directorate, is empowered to grant leave admissible under the Fundamental Rules, other than disability leave, to the non-gazetted staff employed in his office and in the offices of the Aerodrome Officers and the Assistant Aerodrome Officers in India. The Aircraft Inspectors and the Assistant Aircraft Inspectors, Civil Aviation Directorate, may exercise similar power in respect of the non-gazetted staff employed in their respective offices.**

[3]**Note 12.—The Superintendents of Post Offices and Railway Mail Service, the First Class Postmasters, the officers of the Telegraph Traffic Service, Class I, in charge of Telegraph Offices and the Divisional Engineers, Wireless are empowered to sanction leave, other than disability leave, for periods not exceeding four months to Government servants in the Selection Grades under their control and to make suitable local arrangements in their places. The Divisional Engineers, Telegraphs, may exercise similar power in respect of Government servants in the Selection Grades and the Line Inspectors under their control.**

[4]Note 13.—[5][The Assistant Collectors, the Chemical Examiners and the Auditors] in the Calcutta, Bombay, Madras and Karachi Custom Houses, the Collector of Customs, Chittagong and the Chief Accounts Officers in the Calcutta and Bombay Custom Houses are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules to the non-gazetted staff in their charge, except Appraisers, up to a limit of four months. The Chief Inspectors of the Preventive Service are empowered to sanction leave, other than disability leave, admissible under the Fundamental Rules, to Preventive peons and other inferior establishment of the Preventive Departments including Boat Establishment provided that no extra expense is involved.

[6]Note 14. The foreign employer is empowered to grant leave on average pay not exceeding four months to non-gazetted Government servants on foreign service in India, and also to non-gazetted Government servants on foreign service out of India if the foreign employer pays to general revenues leave contribution under sub-rule (b) of rule 123 of the Fundamental Rules.

[For a list of authorities in the Posts and Telegraphs Department empowered to grant leave, see Appendix 25 in Volume II of this Compilation.]

Gazetted Government servants.

S. R. 207. No leave may be granted to a gazetted Government servant until a report as to the admissibility of the leave has been obtained from the audit officer.

Auditor General's decision.—The admissibility of leave in the case of a Government servant officiating in a gazetted post should be certified by the Audit Officer.

[Ar. G's letter No. 1216-Admn/434-28, dated the 31st October 1928.]

S. R. 208. On the receipt of such a report, any leave, other than special disability leave, admissible under the fundamental rules may be granted to a gazetted Government servant by a competent authority.

[1]Inserted with effect from the 10th March 1936.

[2]Inserted with effect from the 15th September 1936.

[3]Inserted with effect from the 10th July 1936.

[4]As revised by G. I., F. D., Correction No. 504 (S.R.) dated the 1st March 1940.

[5][] Substituted for the words "The Assistant Collectors and the Chemical examiners" by G. I., F. D. Correction No. 559 (S.R.) dated the 1st March 1944.

[6]Inserted by G. I., F. D. Correction No. 574 S.R. dated the 1st March 1944.

Division IX.—Combination of holidays with leave and joining time.

[Rules made by the Governor General in Council under Fundamental Rule 68.]

S. R. 209. When the day immediately preceding the day on which a Government servant's leave begins or immediately following the day on which his leave or joining time expires is a holiday or one of a series of holidays, the Government servant may leave his station at the close of the day before, or return to it on the day following, such holiday or series of holidays ; provided that— General rule.

(a) his transfer or assumption of charge does not involve the handing or taking over of securities or of moneys other than a permanent advance ;

(b) his early departure does not entail a correspondingly early transfer from another station of a Government servant to perform his duties, and

(c) the delay in his return does not involve a corresponding delay in the transfer to another station of the Government servant who was performing his duties during his absence or in the discharge from Government service of a person temporarily appointed to it.

Government of India's decision.—For the purpose of this rule, the days of rest earned by a sorter after performing his prescribed duty should not be treated as "holidays". (The Government of India in the Department of Industries and Labour have accepted this decision).

[A. G., P. & T., No. Mis.-2810/L 1-23, dated the 12th December 1923.]

S. R. 210. On condition that the departing Government servant remains responsible for the moneys in his charge, a competent authority may declare that proviso (a) under rule 209 is not applicable to any particular case. Exception.

S. R. 211. Unless the competent authority in any case otherwise direct— Effect on pay and allowances.

(a) if holidays are prefixed to leave, the leave and any consequent re-arrangement of pay and allowances take effect from the first day after the holidays, and

(b) if holidays are affixed to leave or joining time, the leave or joining time is treated as having terminated on, and any consequent re-arrangement of pay and allowances takes effect from the day on which the leave or joining time would have ended if holidays had not been affixed.

Division X.—Form of medical certificate of fitness to return to duty.

[Rules made by the Governor General in Council under Fundamental Rule 71.]

Form of Certificate

[1]S. R. 212. A Government servant who has taken leave in Asia on medical certificate may not return to duty until he has produced a medical certificate of fitness in the following form :—

"We, the members of a Medical Committee

Civil Surgeon of

I, registered medical practitioner of

do hereby certify that we/I have carefully examined A. B. C. of the

department, and find that he has recovered from his illness and is now fit to resume duties in Government service. We/I also certify that before arriving at this decision we/I have examined the original medical certificate(s) and statement(s) of the Case (or certified copies thereof) on which leave was granted or extended, and have taken these into consideration in arriving at our/my decision."

The original medical certificate(s) and statement(s) of the case on which the leave was originally granted or extended shall be produced before the authority asked to issue the above certificate. [2][For this purpose the original certificate(s) and statement(s) of the case should be prepared in duplicate, one copy being retained by the Government servant concerned.]

By whom signed.

[3]S. R. 213. If the Government servant on leave is a Gazetted Officer, such certificates should be obtained from a Medical Committee except in the following cases :

(1) Cases in which the leave is for not more than three months ;

(2) Cases in which leave is for more than three months or leave for three months or less is extended beyond three months, and the Medical Committee granting the original certificate or the Certificate for extension state at the time of granting such certificate that the Government servant need not appear before another Medical Committee for obtaining the certificate of fitness.

In the excepted cases the certificate may be obtained from a commissioned medical officer, or a medical officer in-charge of a Civil station.

If the Government servant on leave is not a gazetted Officer, the competent authority may, in its discretion, accept a certificate signed by any registered medical practitioner.

Government of India's decision.—It has been decided that a certificate signed by one or two medical officers obtained under S. R. 226,

[1]As revised by G. I., F. D., Correction No. 334 (S. R.) dated the 10th June 1935.

[2][] Inserted by G. I., F. D., Correction No. 342 (S. R.), dated the 10th July 1935.

As revised by G. I., F. D. Correction No. 347 (S. R.), dated the 10th August 1935.

is equivalent for all practical purposes to a certificate from a committee and such cases should not be excluded from the operation of Supplementary Rule 213.

[G. I., F. D., No. 7 (35)-R.I/34, dated the 21st May 1935.]

Division XI.—Leave procedure in the case of Government servants in India.

[Rules made by the Governor General in Council under Fundamental Rule 74 (2) (a) and (c).]

SECTION I.—LEAVE ACCOUNTS.

By whom maintained

S. R. 214. The leave account required by Fundamental Rule 76 shall be maintained in such form as the Auditor General may prescribe.

S. R. 215. (a). The leave account of a gazetted Government servant shall be maintained by, or under the direction of, the principal auditor responsible for the audit of his pay.

(b) The leave account of a non-gazetted Government servant shall be maintained by the head of the office in which he is employed.

Government of India's orders. See items (2) and (3) of the Government of India's Order under Supplementary Rule 193.

Auditor General's decisions.—

(1) When a Government servant is appointed to officiate in a gazetted post, the Audit Office should at once call for his leave account and maintain it under clause (a) of this rule. When he takes leave, if he is expected to return to the gazetted post, the account may remain with the Audit Officer, otherwise, it would go to the head of the office in which he holds his non-gazetted post.

The status of such a Government servant during leave is however non-gazetted. He should, therefore, be taken as belonging to the establishment of the office in which he holds a lien on a substantive post and the head of that office should draw his leave salary, and disburse it to him, and should sanction the grant to him of any extension of leave which may be given.

[A.G.'s letter No. 7/16-Admn. (1), dated the 21st October 1935.]

(2) As the status of an officiating Gazetted Government servant during leave has been held to be non-gazetted [*vide* Auditor General's decision (1), above], applications for extensions of leave by such a Government servant should be treated in the same way as similar applications from other non Gazetted servants, that is to say, the procedure prescribed in paragraph (2) of Section I of Appendix 8 in Volume II of this Compilation should be followed. If the extension of leave applied for is leave in India, and the Government servant's leave account is with the Audit Officer the leave account should be called for by the Head of the Office from the former so that he may scrutinise the admissibility of the extension asked for and deal with the application for leave. As regards the fixation of the

leave-salary to be drawn during such extension, the Audit Officer should, while communicating the amount of leave salary payable during the first period of leave, also state what the "average pay" of the Government servant in question is, so that the officer drawing the leave-salary of the Government servant may determine the amount of leave-salary to be paid during the period of extension.

[Ar. G's letter No. 727-Admn-N./143-31, dated the 13th May 1931.]

SECTION II. APPLICATION FOR LEAVE.

To whom application should be made.

S. R. 216. Except as provided in rules 217 and 218, an application for leave or for an extension of leave must be made to the authority competent to grant such leave or extension.

S. R. 217. An application for leave by a chaplain must be forwarded, through the proper channel, to the Bishop of the Diocese; whether such Bishop is or is not competent to grant the desired leave.

S. R. 218. An application by a commissioned medical officer in permanent or temporary civil employ for leave exceeding four months, other than leave on medical certificate, or for an extension of such leave, must be submitted to the local administrative medical officer, by whom it will be forwarded to the Director General, Indian Medical Service. The Director General will countersign the application if the state of the public service admits of the grant of the leave; otherwise, he will abstain from countersigning it. In either case, he will forward the application for disposal to the authority competent to grant the leave.

S. R. 219. A Government servant transferred to foreign service must before taking up his duties in foreign service, make himself acquainted with the rules or arrangements which will regulate his leave during such service.

S. R. 219-A. A Government servant on foreign service in India should submit all applications for leave, other than leave on average pay not exceeding four months, with the report of the Account Officer, through his employer to the authority competent to sanction the leave.

SECTION III. MEDICAL CERTIFICATES.

General rules.

S. R. 220. Medical officers must not recommend the grant of leave in any case in which there appears to be no reasonable prospect that the Government servant concerned will ever be fit to resume his duties. In such cases, the opinion that the Government servant is permanently unfit for Government service should be recorded in the medical certificate.

S. R. 221. Every certificate of a medical committee or a medical officer recommending the grant of leave to a Government servant must contain a proviso that no recommendation contained in it shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

[1]S. R. 222. Before a gazetted Government servant can be granted leave, or an extension of leave, on medical certificate, he must obtain a certificate in the following form :— Procedure in the case of Gazetted Government servants.

MEDICAL CERTIFICATE FOR GAZETTED OFFICERS.

Statement of the case of]

Name (to be filled in by the applicant in the presence of the Civil Surgeon or official medical attendant).

Appointment.

Age.

Total Service.

Service in India.

Previous periods of leave of absence on medical certificate.

Habits.

Disease.

Surgeon of

Medical Officer at or of

after careful personal examination of the case hereby certify that is in a bad state of health and I solemnly and sincerely declare that according to the best of my judgment a period of absence from duty is essentially necessary for the recovery of his health and recommend that he may be granted months' leave [2][with effect from].

Dated

The

Civil Surgeon,
or Official Medical Attendant.

NOTE 1. The form should be adhered to as closely as possible and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change from or to a particular locality, or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

[3]NOTE 2.—The recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

S. R. 223. Having secured such a certificate, the Government servant must, except in cases covered by rule 226, obtain the permission of the head of his office or, if he himself is the head of an office, of the head of his department to appear before a medical committee. He should then present

[1] As revised by G. I., F. D., Correction No. 173 (S. R.), dated the 16th March 1931.

[2] Inserted by G. I., F. D., Correction No. 214 (S. R.), dated the 12th July 1932.

[3] Inserted by G. I., F. D., Correction No. 214 (S. R.), dated the 12th July 1932.

himself with two copies of the statement of his case before such a committee. The committee will be assembled under the orders of the Administrative Medical Officer of the province in which the Government servant is serving, who will, where practicable, preside over it. The committee will be assembled either at the head quarters of the province or at such other place as the local Government may appoint.

S. R. 224. Before the required leave or extension of leave can be granted, the Government servant must obtain from the committee a certificate to the following effect :

> " We do hereby certify that, according to the best of our professional judgment, after careful personal examination of the case, we consider the health of C. D. to be such as to render leave of absence for a period of..... months absolutely necessary for his recovery. "

[1][NOTE.—In cases in which the leave recommended is for more than 3 months or leave for 3 months or less is extended beyond 3 months, the Medical Committee shall state, at the time of granting this certificate, whether the Government servant should or need not appear before another medical committee for obtaining the certificate of fitness for return to duty.]

S. R. 225. Before deciding whether to grant or refuse the certificate, the committee may, in a doubtful case, detain the applicant under professional observation for a period not exceeding fourteen days. In that case it should grant to him a certificate to the following effect :

> " C. D. having applied to us for a medical certificate recommending the grant to him of leave, we consider it expedient, before granting or refusing such a certificate, to detain C. D. under professional observation for days. "

S. R. 226. If the state of the applicant's health is certified by a commissioned medical officer of Government or by a medical officer in charge of a civil station to be such as to make it inconvenient for him to present himself at any place in which a committee can be assembled, the authority competent to grant the leave may accept in lieu of the certificate prescribed in rule 224, either

(a) a certificate signed by any two medical officers, being commissioned medical officers or medical officers incharge of civil stations, in whatsoever province they may be serving ; or

(b) if the authority considers it unnecessary to require the production of two medical opinions, a certificate signed by an officer in medical charge of a civil station and countersigned by the collector of the district or the commissioner of the division.

S. R. 227. The grant of a certificate under rule 224 or 226 does not in itself confer upon the Government servant concerned any right to leave. The certificate should be forwarded to the authority competent to grant the leave and the orders of that authority should be awaited.

[1] [] Added to the form of certificate by G. I., F. D. Correction No. 334 (S. R.), dated the 10th June 1935.

S. R. 228. [1][* * *]

Procedure in the case of non-gazetted Government servants in superior service.

S. R. 229. (a) Every application for leave on medical certificate made by a non-gazetted Government servant in superior service shall be accompanied by a medical certificate [2][in the form prescribed below this rule] given by a registered medical practitioner defining as clearly as possible the nature and probable duration of the illness, or by a request for the issue of a requisition for examination by a medical officer of Government.

(b) The authority competent to sanction leave may, at its discretion secure a second medical opinion by requesting the Agency, or Civil Surgeon to have the applicant medically examined. Should it decide to do so, it must arrange for the second examination to be made on the earliest possible date after the date on which the first medical opinion was given.

(c) It will be the duty of the Agency or Civil Surgeon to express an opinion both as regards the facts of the illness and as regards the necessity for the amount of leave recommended, and for this purpose he may either require the applicant for leave to appear before himself or require the applicant for leave to appear before a medical officer nominated by himself.

NOTE 1.– The possession of a certificate prescribed in this rule does not in itself confer upon the Government servant concerned any right to leave.

[3][NOTE 2.– A Chief or Principal Medical Officer of an Indian State, who is in possession of any of the qualifications included in the Schedule to the Indian Medical Council Act, 1933 (XXVII of 1933), may be regarded as the Civil Surgeon for the purposes of this rule.

[4][Signature of applicant

MEDICAL CERTIFICATE FOR NON-GAZETTED OFFICERS RECOMMENDED FOR LEAVE OR EXTENSION OR COMMUTATION OF LEAVE.

I, after careful personal examination of the case hereby certify that whose signature is given above, is suffering from and I consider that a period of absence from duty of [with effect from is] absolutely necessary for the restoration of his health.

Dated

The

Government Medical Attendant
or Other registered practitioner.

NOTE The nature and probable duration of the illness should be specified—*vide* clause (a).

NOTE 2.—This form should be adhered to as closely as possible, and should be filled in after the signature of the applicant has been taken. The Certifying Officer is not at liberty to certify that the applicant requires a change to (or from) a particular locality,

[1]]Deleted by G.I., F.D., Correction No. 513 (S.R.), dated the 1st July 1940

[2]] Inserted by G.I., F.D., Correction No. 173 (S.R.), dated the 16th March 1931.

[3] Inserted by G.I., F.D., Correction No. 428 (S.R.), dated the 1st November 1937.

[4]] This form was inserted by G.I., F.D., Correction No. 173 (S.R.) dated the 16th March 1931.

[5]] As revised by G.I., F.D., Correction No. 214 (S.R.), dated the 12th July 1932.

or that he is not fit to proceed to a particular locality. Such certificates should only be given at the explicit desire of the administrative authority concerned, to whom it is open to decide, when an application on such grounds has been made to him, whether the applicant should go before a Medical Board to decide the question of his fitness for service.

[1]NOTE 3. No recommendation contained in this certificate shall be evidence of a claim to any leave not admissible to the Government servant under the terms of his contract or of the rules to which he is subject.

Second Medical opinion (if called for by the authority competent to sanction leave).

Agency or Civil Surgeon.

NOTE.—Should a second Medical opinion be required the leave sanctioning authority should arrange for the second medical examination to be made at the earliest possible date. The Agency or Civil Surgeon's opinion both as to the facts of illness, and the necessity for the amount of leave applied for, should be recorded. He may require the applicant to appear before him or before a medical officer nominated by him—*vide* clauses (*b*) and (c).]

Government of India's decisions—

(1) Certificates granted for the purpose of S.R. 229 (*b*) by a District Medical Officer of the Mysore State, who is in possession of any of the qualifications included in the Schedule to the Indian Medical Council Act, 1933 (XXVII of 1933), may be accepted.

[F. O. (C's) endorsement No. E. S. B.-61-738, dated the 11th October 1939.]

(2) Certificates granted to the Ports and Telegraphs staff at Bhusaval for the purpose of Supplementary Rule 229 (*b*) by the District Surgeon, G. I. P. Railway, Bhusaval, may be accepted

[F. A. (C's) endorsement No. Es. B-61-7/40, dated the 30th January 1941.]

S. R. 230. *Cancelled.*

Procedure in the case of non-gazetted Government servants, in inferior service.

S. R. 231. In support of an application for leave, or for an extension of leave, on medical certificate from a non-gazetted Government servant in inferior service, the authority competent to grant the leave may accept such certificate as it may deem sufficient.

SECTION IV.—GRANT OF LEAVE.

Priority of claims to leave.

S. R. 232. In cases where all applications for leave cannot, in the interests of the public service, be granted, an authority competent to grant leave should, in deciding which application should be granted, take into account the following considerations :—

(a) The Government servants who can, for the time being, best be spared.

(b) The amount of leave due to the various applicants.

(c) The amount and character of theservice rendered by each applicant since he last returned from leave.

(d) the fact that any such applicant was compulsorily recalled from his last leave.

(e) The fact that any such applicant has been refused leave in the public interests.

[1]Inserted by G.I., F. D., Correction No. 214 (S. R.), dated the 12th July 1932.

Grant of leave to a Government servant who is unlikely to be fit to return to duty.

S. R. 233. When a medical committee in India has reported that there is no reasonable prospect that a particular Government servant will ever be fit to return to duty, leave should not necessarily be refused to such Government Servant. It may be granted, if due, by a competent authority on the following conditions :—

(a) If the medical committee is unable to say with certainty that the Government servant will never again be fit for service in India, leave not exceeding twelve months in all may be granted. Such leave should not be extended without further reference to a medical committee.

(b) If the medical committee declares the Government servant to be completely and premanently incapacitated for further service in India, the Government servant should, except as provided in clause (c) below, be invalided from the service, either on the expiration of the leave already granted to him, if he is on leave when examined by the committee, or if he is not on leave, from the date of the committee's report

(c) A Government servant declared by a committee to be completely and permanently incapacitated may, in special cases, be granted leave, or an extension of leave, not exceeding six months as debited against the leave account, if such leave be due to him. Special circumstances justifying such treatment may be held to exist when the Government servant's breakdown in health has been caused in and by Government service, or when the Government servant has taken a comparatively small amount of leave during his service or will complete at an early date an additional year's service for pension.

Audit Instruction.—In the case of an officer who is granted leave under Supplementary Rule 233 (*a*) or under the 3rd sentence of the Note below Article 827-A, Civil Service Regulations, and who subsequently returns to duty, the leave should be treated as leave on medical certificate for purposes of the proviso to Fundamental Rule 81 (*b*) (*ii*) and Article 319 or 327, Civil Service Regulations, respectively.

[Para 23-A, Sec. II of Manual of Audit Instructions (Reprint)].

Grant of leave to a Government servant who ought to be dismissed.

S. R. 234. Leave should not be granted to a Government servant who ought at once to be dismissed or removed from Government service for misconduct or general incapacity.

Procedure when a Government servant is not allowed to return to duty after leave.

S. R. 235. If, in a case not covered by rule 234, an authority competent to remove a Government servant from service decides, before such Government servant departs from India on leave, that he will not be permitted to return to duty in India, it must inform him to that effect before he leaves India.

S. R. 236. If, when a Government servant is about to depart from India on leave, it is necessary to consider the propriety of removing him for incapacity, whether mental or physical, which is of such a nature that

it is impossible to decide, before he leaves India whether it will be permanent or temporary ; or if for any reason it is considered inexpedient that a Government servant on leave should return to India ; a full report of the circumstances must be made by the Governor General in Council to the India Office in time to enable the Secretary of State in Council to take any necessary measures before the Government servant would in the ordinary course be permitted to return to duty. The report should in any case reach the India Office at least three months before the end of the Government servant's leave. Local administrations must communicate the facts to the Governor General in Council in time to permit of the punctual submission of such report.

Cases in which a copy of the medical statement of a case must be forwarded to the High Commissioner.

S. R. 237. When leave on medical certificate has been granted to a Government servant or, in the case of a military officer in civil employ, when the grant of such leave has appeared in orders, if such Government servant or military officer proposes to spend his leave in Europe, North Africa, America or the West Indies, the Governor General in Council or the local administration, as the case may be, must without delay forward a copy of the medical statement of the case to the High Commissioner for India.

S. R. 237-A. When a Government servant who has been granted leave for reasons of health proceeds to any of the localities named in Rule 252, the authority which granted the leave shall inform the High Commissioner for India whether a certificate of fitness is required under the second sentence of Fundamental Rule 71.

SECTION V. DEPARTURE ON LEAVE.

Procedure when departing on leave out of India

S. R. 238. Every Government servant proceeding on leave out of India should procure from the audit officer and take with him a copy of the memorandum of information issued for the guidance of Government servant proceeding on leave out of India. If the leave has been granted on a medical certificate, he must take a copy of the medical statement of his case also.

S. R. 239. A Government servant taking leave out of India must, if so required by the audit officer, report his embarkation through that officer to the authority which granted his leave, in such form as the Auditor General may prescribe.

SECTION VI.—RETURN FROM LEAVE.

Report on return.

S. R. 240. A gazetted Government servant, on return from leave must report his return to the Government under which he is serving. A chaplain must report his return to the Bishop of his diocese also.

Government of India's Instructions.—A report of arrival at the port of debarkation on return from leave out of India must be telegraphed to the Head of the Circle concerned or the Director General as the case may be.

[D. G., P. & T.'s Memo. No. S-199/1/35, dated the 11th February 1936].

S. R. 241. A Government servant returning from leave is not entitled, in the absence of specific orders to that effect, to resume as a matter of course the post which he held before going on leave. He must report his return to duty and await orders.

Government of India's Instructions—

(1) A gazetted Government servant of the Posts and Telegraphs Department on return from leave out of India must call on the Superintendent in charge of the Telegraph Office or on the Postmaster of the Presidency or Head Post Office at the port of debarkation to see if any order of posting has been kept in waiting for him and in the absence of any such order he must report his return to duty by telegraph to the Director General and await orders.

[D.G., P. & T's Memo. No. S-199/1/35, dated the 11th February 1936].

(2) Gazetted Officers, if they intend to return from leave out of India before its expiry, must communicate their intention of doing so to (*a*) the Director General, if the leave is granted by him and (*b*) the Postmaster General, Bombay, if the leave is granted by the Head of a Circle.

[D. G., P. & T's Memo. No. S-199/1/35, dated the 11th February 1936].

Division XII.—Leave procedure in the case of a Government servant on leave out of India.

[Rules made by the Governor General in Council under Fundamental Rule 74(b).]

REPORT OF ARRIVAL IN THE UNITED KINGDOM.

S. R. 242. A Government servant taking leave in the United Kingdom must report his arrival in that country to the High Commissioner for India.

PAYMENT OF LEAVE-SALARY

S. R. 243. No Government servant can begin to draw leave salary from the Home Treasury until he has presented to the High Commissioner a leave-salary certificate in such form as the Auditor General may prescribe. Payment at the Home Treasury.

Auditor General's Instructions.—The certificates or reports referred to in paragraph 23 of Annexure 'B' to Chapter 2, Section IV, Audit Code, 1st Edition 1939 (Appendix 8 to this volume) should be despatched with least possible delay, to the High Commissioner for India, India Office, in the case of officers who intend to draw their leave salary in England.

[Ar. G.'s No. 183-Code/Ref.-21, dated the 21st February 1923].

S. R. 244. Leave-salary is issued from the Home Treasury monthly in arrear on the first day of each calendar month.

S. R. 245. Payment will be made, at the option of the Government servant drawing leave-salary, by any of the following methods :—

(a) To the Government servant himself on his personal application.

(b) To his banker or other agent, duly authorised under power-of-attorney, on production of a life certificate duly filled up and executed. In cases where the banker has guaranteed the Secretary of State or the High Commissioner against loss consequent upon dispensation with proof of existence, a life certificate is unnecessary.

NOTE.—A supply of life certificate forms may be obtained from the High Commissioner.

(c) To the presenter of a payment form, comprising a receipt and a life certificate, both duly completed by the Government servant.

Payment in Colony.

NOTE.—If the Government servant intimates to the High Commissioner the election of this method, he will be regularly supplied with the requisite payment form as the due date of issue approaches.

S. R. 246. No Government servant can begin to draw leave-salary from a Colonial treasury until a warrant in form I [1][or I-A, as the case may be,] has been issued in his favour. Such warrants will be issued in triplicate. The original, bearing the Government servant's signature, will be forwarded by the issuing authority to the Colonial authority concerned; the duplicate to the High Commissioner and the triplicate will be retained by the Government servant. Payment of leave-salary will not be made unless the colonial authority is in possession of the original and the Government servant of the triplicate of the warrant.

S. R. 247. Each payment of leave-salary must be endorsed upon the back of both the original warrant and the triplicate, and an acknowledgment of receipt must be endorsed by the Government servant upon the back of both copies.

S. R. 248. When no space for the entry of endorsements of payment remains upon the back of a warrant, or when a warrant is lost or destroyed, a fresh warrant will be issued by the original issuing authority on the application of the Government servant submitted through the Colonial disbursing officer.

S. R. 249. If the transfer from one Colony to another of payment of the leave-salary of a Government servant is sanctioned by the Colonial authorities, such transfer must be reported by the Government servant to the Governor General in Council and to the High Commissioner.

Transfer of payment from the Home Treasury to Colony and *vice versa*

S. R. 250. (a) If a Government servant who is drawing his leave salary in a Colony desires to transfer payment to the Home Treasury, he may do so on production of his warrant to the High Commissioner.

(b) If a Government servant who is drawing his leave-salary from the Home Treasury desires to transfer payment to a Colony, he must obtain a warrant in form I [1][or I-A, as the case may be], from the High Commissioner ; who will forward the original of the warrant to the Colonial authority concerned.

[1][] Inserted by Government of India Finance Department correction No. 417 (S.R.)., dated the 8th April 1937.

(c) A transfer sanctioned under clause (a) or (b) of this rule must be reported by the Government servant to the Governor General in Council.

EXTENSION OF LEAVE.

General rule.

S. R. 251. A Government servant absent from India on leave who desires an extension of his leave must make application for such extension not less than three months before the expiry of his leave. An application made within three months from such expiry will not be considered unless special reasons for consideration exist.

Applications by Government servants on leave in Europe, North Africa, America or the West Indies.

S. R. 252. An application for extension of leave by a Government servant on leave in Europe, North Africa, America or the West Indies must be made to the High Commissioner. Unless the extension is desired on medical grounds or is for a period of not more than fourteen days, the application must be accompanied by evidence that the Government on whose cadre the Government servant is borne has been consulted and has no objection to the extension. It is in exceptional cases only that the High Commissioner will grant an extension without the production of such evidence, and then for such period only as may be necessary to obtain the orders of the Government concerned, which will be sought by telegraph at the applicant's expense.

Government of India's Orders—

(1) It has been arranged that notification of the grant of extensions of leave and of permission to return to duty in the case of officers including military officers, under civil leave rules, serving under departments administered by the several Departments of the Government of India, will in future be sent by the High Commissioner for India to the Department concerned and not to the Finance Department as hitherto and that the necessary communication to Accounts Officers and others will be made by the Department receiving the intimation.

[G. I., F. D., No. 2332-C.S.R., dated the 22nd December 1929.]

(2) When an application for extension of leave is received by an authority other than the High Commissioner from a Government servant on leave in any of the localities mentioned in Rule 11 of the Leave Procedure Rules (S. R. 252) framed by the Governor General in Council under F. R. 74 (*b*), the Local Government will inform the officer whether or not there is any objection to the grant of the desired extension and if the extension is approved, instruct him to apply to the High Commissioner for the formal grant.

[G. I., F. D., letter No. F./303-C.S.R./25, dated the 14th October 1925.]

Auditor General's decision.—A Government servant originally granted leave out of Asia applied for the extension of the leave to the authority in India by whom the leave was originally granted and the question arose whether the orders of the Local Government were necessary under S. R. 252. The Auditor General has decided that the word "Government" occurring in S. R. 252 cannot be intended to mean other than the authority in India competent to sanction the extension of leave applied for.

[Auditor General's letter No. 1394-N.G.E./406-39, dated the 7th November 1939.]

S. R. 253. If a Government servant on leave in any of the localities named in rule 252 desires, on medical grounds, an extension for a longer period than fourteen days, he must satisfy the Medical Board at the India Office of the necessity for the extension. In order to do so, he must, as a general rule, appear at the India Office for examination by the Board ; but in special cases, and particularly if he be residing at a distance of more than sixty miles from London, a certificate in a form to be obtained from the High Commissioner may be accepted if signed by two medical practitioners. A certificate obtained outside the United Kingdom and signed by foreigners must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

S. R. 254. If a Government servant on leave in any of the localities named in rule 252 desires, on grounds other than medical, an extension of leave granted on medical certificate, he must satisfy the Medical Board at the India Office, by the procedure described in rule 253, that he has recovered his health.

Application by Government servants on leave elsewhere out of India.

S. R. 255. An application for extension of leave by a Government servant on leave out of India elsewhere than in the localities named in rule 252 must be made to the authority which granted the leave.

S. R. 256. If an application made under rule 255 is for an extension of leave on medical certificate, it must be accompanied by a certificate from two medical practitioners in the following form :—

"We hereby certify that we have carefully examined C. D. of the who is suffering from..... and we declare upon our honour that, according to the best of our judgment, and belief, he is at present unfit for duty in India, and that it is absolutely necessary for the recovery of his health that his present leave, which will expire in India on.....,shall be extended by..... months. / weeks.

Date.....
Place.....

The certificate must describe in full detail the nature of the disease and the present condition of the Government servant. If it be signed by foreigners it must be attested by consular or other authority as bearing the signatures of qualified medical practitioners.

Certificate of leave necessary before extension can be granted to Government servant to whom a leave-salary certificate has not been issued.

S. R. 257. An extension of leave will not be granted by the High Commissioner to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, unless he produces a certificate of leave in form II.

RETURN FROM LEAVE.

Permission to return.

S. R. 258. A Government servant who is required, by or under fundamental rule 71, to produce a medical certificate of fitness before returning to duty, must obtain permission to return to duty before so returning.

S. R. 259. If the Government servant desiring to return is on leave in any of the localities named in rule 252, his application must be made to the High Commissioner and he must satisfy the Medical Board at the India Office of his fitness to return at least two months before the expiry of his leave. In order to do so, he must follow the procedure prescribed in rule 253. When the Medical Board has been satisfied, the High Commissioner will grant permission to return.

Government of India's Order.—See item (1) of the Government of India's orders below S. R. 252.

S. R. 260. If the Government servant desiring to return is on leave out of India elsewhere than in the localities named in rule 252, his application must be made to the authority which granted his leave and must be accompanied by a certificate of fitness in the prescribed form.

S. R. 261. Permission to return cannot be granted to a Government servant to whom no leave-salary certificate has been issued, or who has exchanged his leave-salary certificate for a warrant before leaving India, until he produces a certificate of leave in form II.

Last-pay certificate.

S. R. 262. Before returning to duty, a Government servant on leave in Europe must obtain a last-pay certificate from the High Commissioner. A last-pay certificate cannot be granted to a Government servant to whom no leave-salary certificate has been issued unless he produces a certificate of leave in form II. A Government servant who has drawn his leave-salary on a warrant must, on return to India, deliver to the audit officer his copy of the warrant, which will serve as a last-pay certificate.

Division XIII.—Vacation Departments.

[Rules made by the Governor General in Council under Fundamental Rule 82 (a).]

Government servants who serve in vacation departments.

S. R. 263. A vacation department is a department, or part of a department, to which regular vacations are allowed, during which Government servants serving in the department are permitted to be absent from duty.

S. R. 264. The following classes of Government servants serve in vacation departments when the conditions of rule 263 are fulfilled :—

(a) Educational officers, other than inspecting officers, and their establishments.

(b) Judicial officers of rank not higher than that of subordinate judge and their establishments.

(c) Any other class of Government servant which a competent authority may declare to be so serving.

S. R. 265. In case of doubt, a competent authority may decide whether or not a particular Government servant is serving in a vacation department.

When vacation is treated as taken.

S. R. 266. A Government servant serving in a vacation department shall be considered to have availed himself of a vacation or a portion of a vacation unless he has been required, by general or special order of a higher authority, to forego such vacation or portion of a vacation; provided that, if he has been prevented by such an order from enjoying more than fifteen days of the vacation, he shall be considered to have availed himself of no portion of the vacation.

Division XIV.—Maternity leave.

[Rules made by the Governor General in Council under Fundamental Rule 101(a).]

S. R. 267. A competent authority may grant to a female Government servant maternity leave on full pay for a period which may extend up to the end of three months from the date of its commencement or to the end of six weeks from the date of confinement, whichever be earlier.

S. R. 268. Leave of any other kind may be granted in continuation of maternity leave if the request for its grant be supported by a medical certificate.

Government of India's decision.—Leave on average pay to the extent admissible under F. R. 81 (*b*) may be granted in continuation of maternity leave if the condition laid down in S. R. 268, *viz.*, that the request for the grant of the leave should be supported by a medical certificate, is fulfilled.

[Ar. G's letter No. T-882-A/178-36, dated the 3rd September 1936]

Division XV.—Hospital leave.

[Rules made by the Governor General in Council under Fundamental Rule 101(b).]

NOTE.—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under these Rules shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

To whom granted.

S. R. 269. A competent authority may grant hospital leave to Government servants of the following classes while under medical treatment for illness or injury, if such illness or injury is directly due to risks incurred in the course of their official duties :—

(a) Police officers of rank not higher than that of head constable.

(b) Government servants of the Northern India Salt Revenue Department of rank not higher than that of kotgasht.

(c) Forest subordinates, other than clerks, in receipt of pay not exceeding Rs. 40.

(d) Head warders or warders, male or female, of jails or lunatic asylums and matrons of the Jail Department.

(e) Overseers of mail lines, postmen, mail carriers and mail coachmen.

[1] (f) Subordinates of the Railway Mail Service in receipt of pay not exceeding Rs. 120 per mensem.

(g) Non-pensionable railway servants other than gazetted officers.

(h) Government servants employed in Government Presses, whether on fixed pay or at piece rates, [2][other than those in permanent Superior Service who are subject to the special leave rules applicable to press employees].

(i) Subordinates employed in Government laboratories.

[1] (j) (i) Subordinates of the Engineering and Wireless Branches of the Indian Posts and Telegraphs Department drawing pay not exceeding Rs. 120 per mensem if the illness or injury is caused by shock received by them from high electric voltage in attending to electric installations for charging plant or to lines at power crossings.

(ii) Subordinates of other Departments employed on the working of Government machinery.

(k) Peons and guards in permanent employ.

(l) Syces of Government Stallions.

(m) Subordinates of the Bombay Salt Department on pay not exceeding Rs. 40 per mensem.

[3] (n) Personnel of the General Lighthouses and Lightships Department employed at Lighthouses and on Lightships, on pay not exceeding Rs. 40 per mensem.

[4] (o) Subordinates of the Madras Salt and Customs (Outports) Department on pay not exceeding Rs. 40 per mensem.

[5] (p) Linemen in the Indian Posts and Telegraphs Department.

[6] (q) Subordinate Customs Staff of rank not higher than that of a Jamadar employed on the Upper Sind Frontier under the administrative control of the Collector of Customs, Karachi.

Amount of leave-salary.

S. R. 270. Hospital leave may be granted on leave-salary equal to either average or half average pay, as the authority granting it may consider necessary.

[1] This revised item has effect from the 2nd August 1943.

[2] [] Inserted by G. I., F. D., Correction No. 304 (S.R.), dated the 19th November 1934.

[3] This item has effect from the 29th December 1931.

[4] This item has effect from the 5th September 1939.

[5] This item has effect from the 12th October 1939.

[6] This item has effect from the 5th March 1944.

Extent of leave.

S. R. 271. Except as provided in rule 272, the amount of hospital leave which may be granted to a Government servant is limited to three months on average pay in any period of three years. Hospital leave on half average pay counts, for the purpose of this limit, as half the amount of leave on average pay.

S. R. 272. The amount of hospital leave which may be granted by the Railway Board to railway subordinates injured while on duty is unlimited, and the Board may delegate to Agents of State Railways such powers in this connection as it may think fit.

Combination with other leave.

S. R. 273. Hospital leave is not debited against the leave account and may be combined with any other leave which may be admissible ; provided that the total period of leave, after such combination, shall not exceed 28 months.

Audit Instruction.—The limit of eight months [*vide* F. R. 81 (*b*)] is not applicable when hospital leave is taken in combination with ordinary leave on average pay.

[Para. 24, Section II of Manual of Audit Instructions (Reprint)].

Division XVI.—Seamen's Sick-leave.

[Rules made by the Governor General in Council under Fundamental Rule 102.]

NOTE—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under the Rules shall be reduced by the amount of compensation payable under Section 4 (1) D of the said Act.

Officers and petty officers.

S. R. 274. A Government servant serving as an officer, warrant officer or petty officer on a Government vessel may, while undergoing medical treatment for sickness or injury, either on his vessel or in hospital, be granted by a competent authority leave on leave-salary equal to full pay for a period not exceeding six weeks ; provided that such leave shall not be granted if a responsible medical officer certifies that the Government servant is malingering or that his ill-health is due to drunkenness or similar self-indulgence or to his own action in wilfully causing or aggravating disease or injury.

Seamen.

S. R. 275. A seaman disabled in the exercise of his duty may be allowed leave on leave-salary equal to full pay for a maximum period not exceeding three months, if the following conditions are fulfilled :—

(a) A Government medical officer must certify the disability.

(b) The disability must not be due to the seaman's own carelessness or inexperience.

(c) The vacancy caused by his absence must not be filled.

Division XVII.—Departmental leave.

[Rules made by the Governor General in Council under Fundamental Rule 2.]

To whom admissible.

S. R. 276. The following rules govern the grant of leave to Government servants of the following classes serving in the Survey of India

Department and not being members of the upper subordinate service or of the establishments of the headquarter officer in Calcutta or Dehra Dun :—

(a) Subordinates in superior service.

(b) Menials attached to parties or offices.

S. R. 277. In addition to leave under Chapter X of the Fundamental Rules, departmental leave may be granted in the circumstances and on the conditions prescribed in rules 278 to 283.

[1]S. R. 278. (a) Departmental leave may not be granted except to a Government servant whose services are temporarily not required.

(b) Departmental leave with allowances may be granted during the recess by the head of the party or office to which the Government servant belongs: provided, in the case of an inferior servant, that the officer granting the leave considers it desirable to re-employ the inferior servant in the ensuing field season. Leave so granted may in special cases be extended by the Surveyor General up to a maximum of 18 months in all.

(c) Departmental leave with allowances may be granted at times other than the recess, for not more than six months at a time, by Directors provided that the leave is granted in the interest of Government and not at the Government servant's own request ; and leave so granted may in special cases be extended by the Surveyor General up to a maximum of one year in all. Leave on medical certificate should never be regarded as granted in the interests of Government.

(d) In cases authorised by the Governor General in Council by general or special order, departmental leave without allowances may be granted by the Surveyor General in continuation of departmental leave with allowances.

[1]S. R. 279. Departmental leave with allowances may be granted on such leave salary, not exceeding half pay, as the officer granting the leave may think fit. The leave salary is payable on return to duty after the expiration of the leave whether taken alone or combined with departmental leave without allowances, and is not payable unless the Government servant returns to duty when required by his superior officer to do so. If, however, a Government servant dies while on departmental leave, his leave salary up to the date of his death or the last day of such leave with allowances, whichever is earlier, will be paid to his heirs. Amount of leave-salary.

S. R. 280. Departmental leave does not count as duty [2][and such leave with allowances shall be debited] to the leave account as though it were leave on half average pay. Effect on leave account.

S. R. 281. Departmental leave may be granted when no leave is due. Departmental leave granted shall not be taken into account when calculating the maximum amount of leave admissible under fundamental rule 81 (a).

[1] This revised rule has effect from the 3rd September 1939.

[2][] Substituted for the words " and will be debited " with effect from the 3rd September 1939.

Combination with other leave.

S. R. 282. Departmental leave may be combined with any other kind of leave which may be due.

Special concession.

S. R. 283. When a Government servant subject to these rules holds a post in which the Surveyor General considers that he is unlikely to be eligible for departmental leave in future, the Surveyor General may, by special order in writing, declare that, with effect from such date, not being earlier than the Government servant's last return from departmental leave, as the Surveyor General may fix, any balance of leave at debit in the Government servant's leave account shall be cancelled. All leave earned after such date will be credited as due in the Government servant's leave account, and all leave taken after such date, including departmental leave [1][with allowances], if any, will be debited in it.

Division XVII-A.—Leave admissible to Motor Drivers of the Calcutta General Post Office.

[Rules made by the Governor General in Council under Fundamental Rule 2.]

S. R. 283-A. The only leave which may be granted to a member of the permanent non-pensionable establishment of Motor Drivers of the Calcutta General Post Office shall be as follows :—

Leave on full pay for three weeks in each year. Such leave may not be accumulated.

Division XVIII.—Leave earned by temporary and officiating service.

[Rules made by the Governor General in Council under Fundamental Rule 103(a).]

Temporary engineers.

S. R. 284. A competent authority may grant to a temporary engineer of the Public Works or Railway Department leave on such terms and with such leave-salary as it may think fit, provided that the leave and leave-salary are not in excess of those admissible to a Government servant subject to the ordinary leave rules.

Other Government servants.

S. R. 285. Leave may be granted to any other Government servant without a lien on a permanent post while officiating in a post or holding a temmporary post, [2][provided that the leave-salary (limited to average or half average pay, as the case may be) drawn by the Government servant shall not exceed—(i) if no substitute is appointed in his place, the normal duty pay which he would have drawn had he not proceeded on leave, and (ii) if a substitute is appointed the difference between such normal duty pay and the pay of the substitute]. On this condition such a Government servant may be granted—

(a) leave on leave-salary equivalent to [3][average pay] up to one-eleventh of the period spent on duty, subject to a maximum of four months at a time, or

[1][] Inserted with effect from the 3rd September 1930.

[2][] Substituted for the words " provided that the grant of the leave involves no expense to Government " by G.I., F.D., Correction No. 255 (S.R.), dated 14th November 1933.

[3][] Substituted for the words "full pay" by G.I., F.D., Correction No. 175 (S.R.), dated the 8th April 1931.

[1](b) on medical certificate, leave on leave-salary equivalent to half-average pay up to two-elevenths of the period spent on duty, subject to a maximum of three months at a time, or

[2](c) extraordinary leave up to a maximum of three months at any one time or, if the Government servant is undergoing treatment for tuberculosis in a recognised sanatorium [3][or treatment for tuberculosis of bones or joints by a qualified T. B. Specialist or a Civil Surgeon], up to a maximum of twelve months at any one time subject to such conditions as the Governor General in Council may by general or special order prescribe.

EXCEPTION.—In the case of a Government servant officating in a permanent post, or holding a temporary post, in a vacation department, leave granted under clause (a) of the rule shall be on leave-salary equivalent to [4][half average pay] ; provided that such a Government servant may be granted, under that clause, leave on leave-salary equivalent to [4] [average pay] to the extent of one month for each year of duty in which he has not availed himself of any part of the vacation. [5][If a part only of the vacation] has been taken in any year, the period of leave on average pay admissible under the above proviso will be reduced by a fraction of a month equal to the proportion which the part of the vacation taken bears to the full period of the vacation.]

Government of India's decision— *See* Government of India's decisions below Rule 15 of Appendix 7-A to volume II of this compilation, as inserted by correction slip No. 417, dated the 28th January 1946.

Audit Instructions.—

(1) The different kinds of leave referred to in clauses (*a*), (*b*) and (*c*) of Supplementary Rule 285 are cummulative and not alternative.

[Para. 25 (i), Section II of Manual of Audit Instructions (Reprint).]

(2) When a Government servant holding a temporary post in an officiating or substantive capacity without a lien on a permanent post is granted leave on the termination of the temporary post, an extension of the temporary post to cover the period of leave is necessary if the grant of leave is subject to the condition laid down in the proviso contained in the first sentence of Supplementary Rule 285 ; but no such extension is necessary in the absence of this condition (*e.g.*, in the case of the temporary engineers referred to in Supplementary Rule 284 or of Government servants whose leave is governed by the model leave terms).

[Para. 25 (ii), Section II of Manual of Audit Instructions (Reprint).]

(3) In cases where the leave reserve for several grades of the same establishment is provided for in the lowest grade and officiating arrangements in leave vacancies in the higher grades by the appointment of persons

[1] As revised by G. I., F. D., Correction No. 175 (S.R.), dated the 8th April 1931.

[2]. This revised clause has effect from the 11th October 1943.

[3][] Inserted by G. I., F. D., correction No. 574 (S.R.), dated the 1st June 1945.

[4][] As revised by G. I., F. D., correction No. 242 (S.R.), dated the 10th July 1933.

[5][] Inserted by G. I., F. D., Correction No. 242 (S.R.), dated the 10th July 1933.

from the lower grades entail extra expense, the net extra cost involved in arranging for the work of the absentee should be taken in place of the "pay of the substitute" mentioned at the end of the proviso contained in the first sentence of S. R. 285.

[Para. 25 (iii), Section II of Manual of Audit Instructions (Reprint).]

(4) Vacation may be combined with leave granted under Supplementary Rule 285 (*a*) or under rule 3 of the Model Leave Terms (Appendix 10 of the Posts and Telegraphs Compilation of Fundamental and Supplementary Rules, Volume II) and vacation when so combined should be treated as leave for the purpose of the limit of 4 months prescribed in the rules mentioned above.

[Para. 25 (iv), Section II of Manual of Audit Instructions (Reprint).]

S. R. 285-A. Subject to the general condition that the leave granted shall not be on more favourable terms than if the service had been substantive, permanent and continuous, and to any other conditions that the Governor General in Council may think fit to impose, he may grant to Government servant whose service is temporary or officiating leave otherwise than under the above rules.

S. R. 286. If such a Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account will be credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and debited with the amount of leave actually taken under rule [1][284, 285 or 285-A]. Leave taken under Rule [1][284, 285 or 285-A] is not an interruption of duty for the purpose of this rule.

[2] NOTE.—For the purpose of this rule, uninterrupted temporary and officiating service rendered before 1st January 1922, including privilege leave taken during such service, may be taken into account in calculating the amount of leave to be credited to the Government servant's leave account. Uninterrupted temporary and officiating service under a provincial Government, whether rendered before or after 1st January 1922, may also be taken into account, if under the rules laid down by that Government, it would have counted had the Government servant in question continued in the service of that Government without a break till confirmation.

Audit Instruction.—Interpretation of the words 'interruption of duty.'—See item (2) of the 'Audit Instructions' under Fundamental Rule 65 in Section III of this Volume.

Auditor General's decision.—The words "interruption of duty" in Supplementary Rule 286, should be interpreted as "cessation of employment in Government service" and the proviso in Article 370, Civil Service Regulations to the effect that the particular temporary office in which service was rendered must eventually have been made permanent is no longer applicable. The interruption of duty referred to in Article 420 (d) Civil Service Regulations is an interruption while that referred to in Article 420 (g) is *not* an interruption within the meaning of supplementary Rule 286.

[Ar. G 's No. 64-A/205-22, dated the 17th January 1923.]

[1][] Inserted by G. I., F. D., corrections Nos. 385 (S.R.) and 394 (S.R.), dated the 11th May 1936 and the 11th August 1936.

[2]. Inserted by G. I., F. D., Correction No. 19, dated the 19th January 1924.

Division XVIII-A.—Leave earned by service which is not continuous.

[Rules made by the Governor General in Council under Fundamental Rule 103(b).]

[1]S.R. 286-A. Leave on average pay may be granted on medical certificate to a Government servant of the Bombay Salt Department whose service is not continuous, up to one-twelfth of the period spent on duty, subject to a maximum of four months at a time.

[2]S. R. 286-B. A Government servant holding substantively a permanent post in the Bombay Salt Department, which is not continuous, may be granted, while officiating in the twelve-monthly grade or at any time after reversion to the non-continuous post, leave on average pay up to one-eleventh of the period spent on duty in the twelve-monthly post, either by itself or in combination with the leave admissible to him on medical certificate under Rule 286-A, subject to a maximum of four months at a time but in no case shall the leave extend beyond the date on which the non-continuous establishment is discharged on the termination of the season.

[3]S. R. 286-C. The following rules regulate the grant of leave in establishments belonging to the subordinate services in the Indian Posts and Telegraphs Department, the duties of which are not continuous but are limited to certain fixed periods in each year :—

1. A Government servant not employed throughout the year may be granted earned leave, i.e., leave earned in respect of periods spent on duty and extraordinary leave.

NOTE 1.—A person appointed substantively to a non-continuous establishment which at the time of his appointment is considered to be required for more than 6 months in each year over a period of not less than 5 years, shall be treated as belonging to a permanent establishment and he shall retain his permanent status during all subsequent years of employment even though the non-continuous establishment may be abolished before the end of 5 years or its duration in each year reduced to six months or less.

NOTE 2.—A person appointed to a non-continuous establishment which is employed for periods not exceeding 6 months in a year or which at the time of his appointment is considered to be required for more than 6 months in each year but for a period of less than 5 years, shall be treated as belonging to a temporary establishment.

EXCEPTIONS.—(a) A member of a non-continuous establishment originally sanctioned for a period exceeding six months a year, who has already been treated as belonging to a permanent establishment, shall retain his permanent status during all subsequent years.

(b) A member of a temporary establishment shall be treated as transferred to a permanent establishment from the date it is found that the establishment will (generally) be required for more than 6 months in each year over a period of not less than five years. He shall retain his permanent status thus acquired during all subsequent years.

[1]As revised by G.I., F.D., Correction No. 279(S.R.) dated the 18th April 1934.

[2]Inserted by G.I., F.D., Correction No. 279(S.R.), dated the 18th April 1934.

[3]This Supplementary Rule and the rules framed thereunder have effect from the 1st January 1935.

2. The maximum amount of earned leave admissible to a Government servant in permanent employ is,

(a) to a Government servant in superior service — one-twelfth, and

(b) to a Government servant in inferior service — one-twenty-fourth of the period spent on duty :

Provided that when the earned leave due to a Government servant amounts to 90 days if he is in superior service or to 30 days if he is in inferior service he ceases to earn such leave.

3. (a) A Government servant in permanent non-continuous employ appointed to officiate in the twelve-monthly grade may be granted, while so officiating or at any time after reversion to the non-continuous post, earned leave up to one-eleventh, if he is in superior service, or up to one-twenty-second, if he is in inferior service, of the period spent on duty in the twelve-monthly post, either by itself or in combination with the leave due to him under rule 2 , subject to a maximum of 90 days at a time, if he is in superior service, or 30 days at a time, if he is in inferior service.

(b) A Government servant transferred to permanent non-continuous establishment from the twelve-monthly grade may be granted the balance of leave at his credit on the date of his transfer from the twelve-monthly grade, either by itself or in combination with the leave due to him under Rule 2, subject to a maximum of 90 days at a time, if he is in superior non-continuous service, or 30 days at a time, if he is in inferior non-continuous service.

NOTE 1.—For the purpose of clause (b) "the balance of leave at his credit" shall in the case of a Government servant who before his transfer to the non-continuous estblishment was subject to the rules in Sections I to V of Chapter X of the Fundamental Rules or to Supplementary Rule 285, be the balance of leave on average pay only corresponding one-eleventh of duty and, in the case of a Government servant who before such transfer was subject to the Revised Leave Rules, 1933, the balance of earned leave only.

NOTE 2.—For the purposes of these rules the balance of leave carried forward shall be treated as earned leave.

4. (a) The maximum amount of earned leave admissible to a Government servant not in permanent employ is, when he is in superior service one-twenty-fourth of the period spent on duty, provided that when the leave due amounts to 30 days he ceases to earn such leave.

(b) No earned leave is admissible to a Government servant in inferior service not in permanent employ.

5. A Government servant not in permanent employ appointed without interruption of duty substantively to a permanent post will be credited with the earned leave which would have been admissible if his previous duty [1][had been duty] as a Government servant in permanent employ diminished by any earned leave already taken. Leave is not an interruption of duty for the purpose of this rule.

[1][] Inserted by G.I., F.D., Correction No. 316 (S.R.), dated the 19th January 1935.

6. (1) Extraordinary leave may be granted to any Government servant in special circumstances—

(a) when no earned leave is by rule admissible, or

(b) when earned leave is admissible, but the Government servant concerned applies in writing for the grant of extraordinary leave.

(2) Except in the case of a Government servant in permanent employ [1][the duration of extraordinary leave shall not exceed three or twelve months on any one occasion, the longer period being admissible subject to such conditions as the Governor General in Council may by general or special order prescribe only when the Government servant concerned is undergoing treatment for tuberculosis in a recognised sanatorium][2][or treatment for tuberculosis of bones or joints by a qualified T.B. Specialist or a Civil Surgeon.]

(3) Extraordinary leave may be granted in combination with or in continuation of earned leave.

(4) The authority empowered to grant leave may commute retrospectively periods of absence without leave into extraordinary leave.

7. No leave shall be granted beyond the date on which a Government servant must compulsorily retire : .

Provided that the authority empowered to grant leave may allow any Government servant who has been denied in whole or in part on account of the exigencies of the public service the earned leave which was due to him pending retirement, the whole or any portion of the earned leave so denied, even though it extends to a date beyond the date on which such Government servant must compulsorily retire :

Provided further that a Government servant whose service has been extended in the interests of the public service beyond the date of his compulsory retirement may similarly be granted either within the period of extension or, if the conditions of the preceding proviso are satisfied, after its expiry, any earned leave which could have been granted to him under the preceding proviso had he retired on that date and in addition any earned leave due in respect of such extension.

8. (1) A Government servant on earned leave is entitled to leave salary equal to his pay on the day before the leave commences :

Provided that no leave salary shall be admissible during leave taken beyond the period of employment of the establishment to which he belongs :

Provided further that if a substitute is appointed in his place the leave salary shall be limited to the difference between his pay on the day before the leave commences and the pay of the substitute.

(2) A Government servant on extraordinary leave is not entitled to any leave salary.

[1][] Substituted for the words " the duration of extraordinary leave shall not exceed 3 months on any one occasion " with effect from the 11th October 1943.

[2][] Inserted by G.I., F.D., Correction No. 575 (S.R.) dated the 1st June 1945.

9. The grant of leave to a Government servant who is transferred from the permanent non-continuous establishment to the permanent twelve-monthly grade shall be governed by the rules in Sections I to V of Chapter X of the Fundamental Rules or the Revised Leave Rules, 1933, as the case may be. On such transfer, the Government servant concerned shall carry forward the balance of leave at his credit on the date of transfer. This balance of leave shall be treated as 'leave on average pay' or 'earned leave (on average pay)' as the case may be. If the Government servant becomes subject to the Revised Leave Rules, 1933, the balance of leave carried forward shall be taken into account in calculating the numbers of days specified in Rule 9 of those Rules.

Government of India's decisions.—

(1) *See* Government of India's decisions below rule 15 of Appendix 7-A to Volume II of this Compilation, as inserted by correction slip No. 417, dated the 28th January 1946.

(2) A case arose in which an official holding a permanent season post in a substantive capacity from the 29th April 1941, was appointed as a temporary 2nd grade clerk *in the 12 monthly grade* from 1st Novermber 1941 to 31st March 1942, 1st November 1942 to 7th March 1943 and 20th March 1943 to 31st March 1943, during the off season periods, the season commencing on the 1st April and ending on the 31st October each year. He was granted earned leave for 12 days from the 8th March 1943 to 19th March 1943. In this connection the following questions were raised :—

1. Whether the period of leave from the 8th March 1943 to 19th March 1943 taken during the off season, should count for increment in the seasonal post,
2. at what rate service in the 12 monthly post during the off season should earn leave, and
3. whether the leave earned by service in the 12 monthly grade during the off season, if not availed of during such service, should lapse automatically.

As regards the first question it has been held that under F.R. 12-A the substantive holder of a permanent season post acquires a lien on the post and under F.R. 26(*b*) leave counts for increment in the time scale applicable to the post on which the Government servant holds a lien. The off season in the case of permanent non-continuous service is not duty, and therefore, cannot count for increment under F.R. 26(*a*). It has, therefore, been held that leave taken during the off season period, being part of such period, cannot count for increment in the time scale of the season post.

As regards the second question, the omission of the concluding portion of S.R. 286-B " but in no case shall the leave extend beyond the date on which the non-continuous establishment is discharged on the termination of the season " from S.R. 286-C-3, is deliberate and the rule as it stands is unequivocal. Cases of grant of leave for temporary or officiating service in a 12 monthly grade during the off season period are, therefore, to be regulated by this rule.

As regards the third question, S.R. 286-C-3 clearly implies that leave earned by service in the 12 monthly grade during the off-season, if not availed of during such service should not lapse subject to the maxima prescribed. Leave so earned may, therefore, be availed of after reversion to the non-continuous post but no leave salary will be admissible for any portion of leave enjoyed after the termination of the season.

[F. A. (C's) endorsement No. E-51-8/44, dated the 31st October 1945.]

Division XIX.—Leave earned by part-time service.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

Part-time law officers.

S. R. 287. A law officer holding one of the posts mentioned in fundamental rule 99, if his pay is fixed at a definite rate but his whole time is not retained for the service of Government, may be granted leave as follows :—

(a) Leave on full pay during the vacation of the High or Chief Court within whose jurisdiction he serves; provided that no extra expense is thereby caused to Government. Such leave will be counted as duty.

(b) Leave on half pay for not more than six months once only in his service after six years of duty.

(c) On medical certificate, leave on half pay up to a maximum of 20 months at any one time ; provided that three years of duty must intervene between any two periods of leave on medical certificate.

(d) On the conditions prescribed in fundamental rule 85, extraordinary leave.

S. R. 288. Leave under any one of the clauses of rule 287 may be combined with leave under any other clause.

Division XX.—Leave earned by service remunerated by [1][honoraria] or daily wages.

[Rules made by the Governor General in Council under Fundamental Rule 103 (c).]

Government servants remunerated by [1][honoraria.]

S. R. 289. A Government servant remunerated by [1][honoraria] may be granted leave on the terms laid down in rules 287 and 288, provided that he makes satisfactory arrangements for the performance of his duties, that no extra expense is caused to Government, and that, during leave of the kind contemplated by clause (b) of rule 287, the whole of the [1][honoraria] are paid to the person who officiates in his post.

[1] [] Substituted for the words "fees" by G.I., F.D. Correction No. 297 (S.R., dated the 10th September 1934.

Government of India's decision.—Leave-salary of Task-work delivery peons who have elected to come under the Fundamental Rules as well as those who have not so elected, is determined as follows :—

(*a*) Task-work delivery peons will draw double subsistence allowance only on privilege leave under the old rules or on the leave corresponding to what used to be Privilege Leave, that is to say leave admissible under rule 81 (*b*) (*ii*) of the Fundamental Rules, and such peons are not entitled to take leave on average pay or double subsistence allowance on medical certificate up to eight months under the proviso to the rule of Fundamental Rules referred to.

(*b*) Any leave taken on medical certificate or any form of leave other than Privilege Leave should be on the ordinary subsistence allowance.

(*c*) When the employment of substitutes in place of Task-work peons on any kind of leave is unavoidable they should ordinarily be employed on such task-work fees only as they may be able to earn. If, however, substitutes are not procurable on these terms they may be granted, in addition to task-work fees, an allowance not exceeding the amount of the subsistence allowance prescribed for the office concerned.

[F.A., P. & T's G.Z.-9, dated the 7th August 1923.]

Daily labourers in railways workshops.

S. R. 290. A labourer employed on daily wages in a State railway workshop when temporarily absent from work owing to injuries received while on duty, may be granted by the Railway Board leave on full wages to such extent as may be considered necessary. The Railway Board may delegate to Agents of State railways such powers in this respect as it may think fit.

The Agents of State railways may delegate to authorities subordinate to them the whole or part of the powers delegated to them in this respect.

NOTE.—In the case of a person to whom the Workmen's Compensation Act, 1923, applies, the amount of leave-salary payable under this Rule shall be reduced by the amount of compensation payable under section 4 (1) D of the said Act.

Division XXI.—Leave earned by probationers and apprentices.

[Rules made by the Governor General in Council under Fundamental Rule 104 (b).]

Probationer

S. R. 291. Leave may be granted to a probationer, if it is admissible under the leave rules which would be applicable to him if he held his post substantively otherwise than on probation. [1][If for any reason it is proposed to terminate the services of a probationer, any leave which may be granted to him should not extend beyond the date on which the probationary period as already sanctioned or extended expires, or any earlier date on which his services are terminated by the orders of an authority competent to appoint him.]

[1][] Added by G.I., F. D. Correction No. 250 (S.R.), dated the 4th October 1933.

S. R. 292. Leave of the following kinds may be granted to an apprentice :— Apprentices.

(a) On medical certificate, leave on leave-salary equivalent to half-pay for a period not exceeding one month in any year of apprenticeship.

(b) Extraordinary leave under fundamental rule 86.

PART V.—JOINING TIME.

Division XXII.—Amount of joining time admissible.

[Rules made by the Governor General in Council under Fundamental Rule 103.]

S. R. 293. Not more than one day is allowed to a Government servant in order to join a new post when the appointment to such post does not necessarily involve a change of residence from one station to another. A holiday counts as a day for the purpose of this rule. General rules.

S. R. 294. [1][The joining time of a Government servant in cases involving a transfer from one station to another, neither of which is in a remote locality not easy of access, is subject to a maximum of 30 days.] Six days are allowed for preparation and, in addition, a period to cover the actual journey calculated as follows :—

(a) A Government servant is allowed—

For the portion of the journey which he travels or might travel.	One day for each.	
By railway	250 miles	
By ocean steamer	200 ,,	or any longer time actually occupied in the journey.
By river steamer	80 ,,	
By motor-car or horse-drawn conveyance plying for public hire . . .	80 ,,	
In any other way	15 ,,	

[2](b) A day is allowed for any fractional portion of any distance prescribed in clause (a).

(c) When part of the journey is by steamer, the limit of six days for preparation may be extended to cover any period unavoidably spent in awaiting the departure of the steamer.

(d) Travel by road not exceeding five miles to or from a railway station or [3][steamer ghat] at the beginning or end of a journey does not count for joining time.

(e) A Government servant whose pay does not exceed Rs. 100 is not ordinarily expected to travel by motor-car or horse-drawn conveyance plying for public hire, and his joining time is calculated accordingly.

(f) A Sunday does not count as a day for the purpose of the calculations in this rule, but Sundays are included in the maximum period of 30 days.

EXCEPTION 1.—The authority sanctioning the transfer may, in special circumstances, reduce the period of joining time admissible under this rule.

[1] [] As revised by G.I., F.D. Correction No. 410 (S.R.), dated the 9th January 1937.

[2] As revised by G.I., F.D. Correction No. 171 (S.R.), dated the 9th December 1930.

[3] [] Inserted by G.I., F.D. Correction No. 233 (S.R.), dated the 10th January 1933.

[1]EXCEPTION 2.—The joining time of a Government servant who is transferred from one to another of the stations named in the table below shall be six days for preparation and in addition the actual time spent on the journey provided both combined do not exceed the period prescribed for the particular journey in the table :—

Journey.	Period.
Between Meshed and Birjand . .	13 days.
Between Meshed and Zahidan . . .	21 days.
Between Birjand and Zahidan . . .	13 days.
Between Meshed and Zabul	32 days.
Between Birjand and Zabul	24 days.
Between Meshed and Khanikin . . .	26 days.

Audit Instruction.—The concession referred to in clause (*c*) of this rule is intended to apply also in cases where the entire journey is to be performed by steamer.

Clause (*c*) of this rule has further been interpreted to mean that if a steamer is not due to start immediately after the expiry of 6 days from the day when the Government servant gives over charge, the Government servant may add to his joining time the number of days intervening between the expiry of the six days and the departure of the next steamer, whether he actually starts during the first six days or by the next boat after their expiry.

[Para. 26, Sec. II of Manual of Audit Instructions (Reprint).]

Director General's Instructions—

(1) (*a*) In the case of Telegraph Masters and other members of the Signalling establishment of the Traffic Branch who are transferred at their own request and expense, only the actual time occupied in the journey excluding the intervening Sundays, if any, should be allowed as joining time. A ministerial servant transferred at his own request may have joining time up to the limit given in S.R. 294 without incurring the penalty laid down in F.R. 108 but he will not be entitled to draw any pay during the period of transit —*vide* Note 2 below F.R. 107.

[D.G., P. & T., No. 764-G./24, dated the 10th October 1924, 30th January 1925 and the 8th June 1925.]

(*b*) There is, however, no objection to the grant of full joining time (including 6 days for preparation) admissible under S.R. 294 to a telegraphist proceeding to another station on transfer from the General Service to the Station Service under the Director General's (Telegraph and Telephone Traffic) Circular No. 4, dated the 21st September 1932.

[D.G., P. & T's letter No. Es. B.-74-1/38, dated the 30th September 1938, to the D.A.G., P. & T. Delhi.]

(2) The concession of six days for preparation will not ordinarily be allowed to Reserve clerks sanctioned for employment in leave vacancies when they are required to move from one office to another. It is, however, at the discretion of the sanctioning authority to grant joining time up to the full time in cases where this is really necessary.

[D.G., P. & T. Nos. A.M.-20 and 22-A.P., dated the 11th April 1923 and the 15th March 1924.]

[1] Inserted by G.I., F.D. Correction No. 410 (S.R.), dated the 9th January 1937.

(3) Six days for preparation should not ordinarily be allowed on the occasion of journeys to and from the place of training to an official of the Indian Posts and Telegraphs Department and also in cases where after training an official is posted to a station other than the one from which he proceeded to the Training Class directly or in continuation of leave on average pay for not more than four months. The actual period taken in transit should however be calculated as in S.R. 294. Joining time so calculated should be allowed even in cases in which leave on average pay not exceeding four months precedes or succeeds the period of training.

NOTE.—These orders are not applicable to the officers of the Superior Telegraph Engineering Branch placed on traffic training.

[D.G., P. & T., Memo. No. 228-B, dated the 12th December 1923, and letter No. 207-S/29, dated the 17th May 1929 and endorsement No. S.-203/4, dated the 2nd August 1933.]

(4) The Director General has decided that in the case of members of the Wireless Signalling Establishment who are transferred at their own request and expense the same joining time may be allowed as is prescribed for the Telegraph Signalling staff in the Director General's Instruction No. (1) (*a*) above.

[D.G., P. & T's endorsement No. Es.-B-401-4/39, dated the 19th April 1939.]

[1]**S. R. 294-A. For a journey between a place in a remote locality mentioned in column 1 of the table and the station specified against it in column 2 of the table, the joining time of a Government servant under Fundamental Rule 105 (d) is the period shown in column 3 of the table irrespective of whether the journey is performed on transfer or on leave provided that in the case of leave, the concession is admissible to a Government servant—**

(1) who is of genuine Indian or European domicile and has been specially recruited outside the remote locality concerned for service there, and

(2) who, though not specially recruited outside the remote locality concerned for service there, is of genuine Indian or European domicile and is in service whether in a permanent or other capacity on the 8th January 1937; provided that there is no break in his service after that date. The joining time shall be held to commence on the day following the handing over of charge of the Government servant's post or on the day of his arrival at the specified station according as the Government servant is proceeding from or to the place in the remote locality. To the joining time admissible under this rule, may be added any joining time, including days allowed for preparation, that a Government servant may be entitled to under Fundamental Rule 105 (a), (b) or (c) for such portion of his journey as may not be covered by this rule.

[1] As revised by G.I., F.D. Correction No. 410 (S.R.), dated the 9th January 1937.

Station in the Remote Locality.	Specified Station.	Joining Time.
1. Zabul . .	1. Quetta or Spezand	21 days.
	2. Khanikin . .	21 days for journeys connected with leave to Europe and 12 days for other journeys.
	3. Pehlevi . .	21 days.
	4. Baghdad . .	23 days for journeys connected with leave to Europe.
2. Birjand . .	1. Quetta or Spezand	18 days.
3. Meshed . .	1. Quetta . .	26 days.
	2. Spezand . .	26 days.
	3. Khanikin . .	17 days for journeys connected with leave to Europe and 26 days for other journeys.
	4. Pehlevi . .	14 days.
	5. Baghdad . .	19 days for journeys connected with leave to Europe.
4 Kerman . .	1. Quetta *via* Zahidan.	21 days.
	2. Karachi *via* Bundar Abbas or Basra.	21 days.
	3. Basra . .	31 days.
5. Kashgar . .	1. Srinagar . .	50 days.
	2. Havelian .	52 days.
6. Shiraz . .	1. Karachi . .	16 days.
	2. Basra . .	14 days.
7. Kermanshah .	1. Karachi .	19 days.
	2. Basra . .	12 days.
	3. Baghdad . .	4 days.
8. Dizful . .	1. Karachi .	15 days.
	2. Basra . .	10 days.
9. Ahwaz . .	1. Karachi .	15 days.
	2. Basra . .	10 days.
10. Maskat . .	1. Karachi . .	10 days.
	2. Basra . .	15 days.

Station in the Remote Locality.	Specified Station.	Joining Time.	
11. Kamaran . .	1. Bombay . .	11 days.	
	2. Karachi .	11 days.	
12. Baghdad . .	1. Karachi (h) .	7 days.	
	2. Bombay (h) .	10 days.	
13. Bundar Abbas .	1. Karachi . .	13 days.	
	2. Basra . .	13 days.	
14. Bahrein . .	1. Karachi . .	12 days.	
	2. Basra . .	10 days.	
15. Khorramshahr .	1. Karachi . .	13 days.	
	2. Basra . .	8 days.	
16. Bushire, 17. Koweit, 18. Lingah . .	1. Karachi . .	The actual number of days occupied in the transmission of mail letters at the time when the journey is made *plus* 8 days.	
	2. Basra . .		
19. Chumbi . .	Gangtok . .	4 days.	
20. Gyantse . .	Gangtok . .	14 days.	
21. Khatmandu .	Raxaul . .	5 days.	
22. Port Blair . .	1. Calcutta . .	*7 days.	
	2. Madras . .	*7 days.	
	3. Rangoon .	*4 days.	
23. Aden . . .	1. Bombay (e) .	7 days.	
	2. Karachi (e) .	7 days.	
24. Nok-Kundi . .	1. Quetta . .	2 days.	In the case of a Government servant who, while on transfer or proceeding on or returning from leave, has to wait for the next train, the joining time will be the interval between the date of relief or the date of arrival at the specified station as the case may be, and the date of running of the next train *plus* the actual time spent on the journey.
	2. Ahmedwal .	1 day.	
25. Dalbandin . .	1. Quetta . .	2 days.	
	2. Ahmedwal .	1 day.	
26. Mirjawa . .	Quetta . .	2 days	
27. Khwash . .	1. Quetta . .	6 days	
28. Zahidan . .	1. Quetta or Spezand	3 days.	
	2. Khanikin . .	12 days.	
	Baghdad .	14 days.	

Station in the Remote Locality.	Specified Station.	Joining Time.
29. Gilgit Agency .	1. Srinagar } (a) .	14 days.
	2. Havelian } .	16 days.
30. Chilas . .	1. Srinagar } (a) .	14 days.
	2. Havelian } .	11 days.
31. Kabul . .	Peshawar . .	12 days.
32. Jalalabad . .	Peshawar . .	10 days.
33. Kandahar . .	Chaman . .	10 days.
34. Mekran .	Mastung (a) .	7 days.
35. Jeddah .	1. Bombay } (b) .	20 days.
	2. Karachi } .	20 days.
36. Durban . .	Bombay . .	22 days or the actual number of days spent on the voyage, whichever is less.
37. Kuala Lumpur .	Negapatam .	6 days.
38. General Light-houses in Burma .	Rangoon (c) .	The period which elapses between the date on which he reports his return to duty at Rangoon and the date on which he actually assumes charge of his duties at the Lighthouse.
39. Misgar . .	Srinagar (f) .	24 days.
40. Chitral [State] .	Malakand (g) .	15 days or the actual number of days occupied in the transmission of mail letters at the time when the journey is made *plus* 8 days, whichever is less.
41. Sherjah . .	Karachi . .	8 days.
42. Tehran . .	1. Quetta . .	34 days.
	2. Karachi .	21 days.
43. Gwadur . .	1. Karachi .	10 days.
	2. Basra . .	15 days.
	3. Mastung .	12 days.
44. Jiwani . .	Karachi . .	11 days.
45. Jask . . .	Karachi . .	The actual number of days occupied in the transmission of mail letters at the time when the journey is made *plus* 8 days.
46. Tehran . .	Khanikin . .	8 days.

Station in the Remote Locality.	Specified Station.	Joining Time.	
47. Chauglang . .	Margherita .	2 days.	This concession is admissible for a period of 4 years from the 1st March 1946 subject to the condition that it will be withdrawn at any time within that period if the easy modes of conveyance are established. The concession is not to be enjoyed by any particular Government servant more than once in 4 years while proceeding on or returning from leave.
48. Foothills . .	Charduar . .	2 days.	
49. Rupa . . .	Charduar . .	5 days.	
50. Dirangdzong .	Charduar . .	8 days.	
51. Walong . .	Sadiya . .	23 days.	
52. Changwinti .	Sadiya . .	16 days.	
53. Hayuliang . .	Sadiya . .	12 days.	
54. Denning . .	Sadiya .	3 days.	
55. Choukham . .	Sadiya . .	4 days.	
56. Pasighat . .	Sadiya . .	2 days.	
57. Renging . .	Sadiya . .	4 days.	
58. Rotung . .	Sadiya . .	5 days.	
59. Yembung . .	Sadiya . .	7 days.	
60. Pangin . .	Sadiya . .	8 days.	
61. Riga . . .	Sadiya	12 days.	
62. Karko . .	Sadiya . .	14 days.	

*The Chief Commissioner, Andaman and Nicobar Island, [illegible] the maximum period of joining time in special circumstances when a voyage from Calcutta, Madras or Rangoon takes longer time.

[1] (a) The concession is not to be enjoyed while proceeding on [illegible] leave by any Government servant more than once in four years, and if [illegible] ribed and it is less than four years, more than once during the term. This restriction will not apply in cases where leave is taken immediately prior to the completion of tenure and before joining a post elsewhere.

(This amendment applies to officers under the rule-making control of the Governor-General-in-Council.)

(b) For the staff of the Indian Vice-Consulate.

[1] As revised by G.I., F.D. Correction No. 185 (S.R.), dated the 1st September 1939. Prior to the issue of this amendment the foot note reads as follows:—

(a) The concession is not to be enjoyed by any particular clerk more than once in four years while proceeding on or returning from leave. The concession is also not to be enjoyed by Government servants under the administrative control of the External Affairs Department who, while proceeding on leave from the Gilgit Agency or returning from leave to that Agency, are carried free of charge by Royal Air Force planes.

(c) This concession is admissibe to Government servants of the Lighthouses Department who on return from leave are posted to one of the General Lighthouses in Burma.

(d) [1] [* * * * * *].

(e) This concession is admissible only once in 3 years while proceeding on or returing from leave.

(f) The concession is not to be enjoyed by the Signalier-in-charge of the Government Telegraph Office, Misgar, more than once in four years while proceeding on or returning from leave.

(g) The concession is not to be enjoyed by any particular clerk more than once in four years while proceeding on or returning from leave.

[2](h) The concession is not to be enjoyed by the Indian Vice Consul, Baghdad and his staff more than once in four years while proceeding on or returning from leave. This restriction will not apply when the leave on which the Government servant proceeds from Baghdad is leave on medical certificate.

NOTE 1.—Basra is to be regarded as the specified station for any remote locality in Iran and the Persian Gulf when a journey to Europe is made by the overland route *via* Baghdad and Haifa or Beyrout [3] [or when the journey is made by air, provided that if the journey covers travel by air between Bushire and Basra, the joining time will terminate or commence at Bushire as the case may be.]

NOTE 2.—The joining time shown in column 3 of the table is subject to periodical revision.

***Exception.*—Joining time under Fundamental Rule 105 (d) is not admissible to a non-gazetted Government servant in Superior Service in Iran or the Persian Gulf on pay not exceeding Rs. 400, if his departure on leave necessitates the importation of a substitute from India to fill a vacancy extending over less than three months exclusive of the joining time shown in column 3 of the table.**

Government of India's decision.—In the case of journeys on transfer, the Signaller in-charge of the Government Telegraph Office, Misgar, should be allowed joining time as follows :—

(*i*) 6 days for preparation ;

(*ii*) for the journey between Srinagar and Misgar, 24 days or the actual time spent in travelling, whichever is less ; and

(*iii*) for the remaining portion of the journey, joining time as calculated under Supplementary Rule 294 omitting the days for preparation.

[D.G., P. & T's Memo. No. Es. B. 74-3/34, dated the 12th March 1935.]

[4] S. R. 294-B. A Government servant posted to a place within the territories administered by a local Government which has prescribed a rule similar to rule 294-A for Government servants under its administrative control, may be allowed joining time in accordance with the rules so prescribed.

[1] [] Deleted by G.I., F.D. Correction No. 485 (S.R.), dated the 1st September 1939.

[2] Inserted by G.I., F.D. Correction No. 547 (S.R.), dated the 1st November 1942.

[3] [] Inserted with effect from the 1st October 1934.

[4] This new rule was inserted by G.I., F.D. Correction No. 410 (S.R.), dated the 9th January 1937.

Minimum in the case of Government servants returning from long leave out of India.

[1]S. R. 295. When a Government servant, returning from leave out of India exceeding four months, takes joining time before joining his post, his joining time shall begin from the date of his arrival at the port of disembarkation, or, if he returns by air, from the day following that on which the aircraft in which he returns arrives at its first regular port in India, and be calculated from such port; provided that it shall, if he so desires, be subject to a minimum of ten days.

Route by which calculated.

S. R. 296. By whatever route a Government servant actually travels, his joining time shall, unless a competent authority for special reasons otherwise order, be calculated by the route which travellers ordinarily use.

Time and place from which joining time is calculated.

S. R. 297. If a Government servant is authorised to make over charge of a post elsewhere than at its headquarters, his joining time shall be calculated from the place at which he makes over charge.

S. R. 298. If a Government servant is appointed to a new post while in transit from one post to another, his joining time begins on the day following that on which he receives the order of appointment.

Audit Instruction.—A second period of 6 days for preparation should not be allowed in calculating the joining time of a Government servant who is appointed to a new post while in transit from one post to another.

[Para. 27, Sec. II of Manual of Audit Instructions (Reprint).]

S. R. 299. If a Government servant takes leave while in transit from one post to another the period which has elapsed since he handed over charge of his old post must be included in his leave, unless the leave is taken on medical certificate. In the latter case the period may be treated as joining time.

S. R. 300. If a Government servant is appointed to a new post while on leave on average pay of not more than four months' duration, his joining time will be calculated from his old station or from the place in which he received the order of appointment, whichever calculation will entitle him to the less joining time.

Government of India's decision.—See item (3) of the Government of India's decisions below Fundamental Rule 105 in Section III of this Volume.

Audit Instruction.—See item (4) of the Audit Instructions below F.R. 105 in Section III of this volume.

Special concessions.

S. R. 301. [2][Except in the case of joining time admissible under rule 294-A,] a competent authority may in any case extend the joining time admissible under these rules, provided that the general spirit of the rules is observed.

Audit Instruction.—If a competent authority sanctions under this rule an extension of joining time beyond a period of 30 days for the reasons

[1] As revised by G.I., F.D. Correction No. 452 (S.R.), dated the 1st May 1938.

[2] [] Inserted by G.I., F.D. Correction No. 475 (S.R.), dated the 1st March 1939.

stated in clause (*b*) of Supplementary Rule 302, it should be considered that the general spirit of the rules has been observed.

[Para 29, Sec. II, Manual of Audit Instructions (Reprint).]

S. R. 302. [1][Except in the case of joining time admissible under rule 294-A,] within the prescribed maximum of 30 days, a competent authority may, on such conditions as it thinks fit, grant to a Government servant a longer period of joining time than is admissible under the rules in the following circumstances :—

(a) when the Government servant has been unable to use the ordinary mode of travelling or, notwithstanding due diligence on his part, has spent more time on the journey than is allowed by the rules ; or

(b) when such extension is considered necessary for the public convenience or for the saving of such public expenditure as is caused by unnecessary or purely formal transfers ; or

(c) when the rules have in any particular case operated harshly; as for example, when a Government servant has through no fault on his part missed a steamer or fallen sick on the journey.

S. R. 302-A. When a Government servant under the administrative control of the Governor General in Council is transferred to the control of a Government which has made rules prescribing amounts of joining time, his joining time for the journey to join his post under that Government and for the return journey will be governed by those rules.

[2][DIVISION—XXIII.]

S. R. 303. [2][* * *].

S. R. 304. [2][* * *].

S. R. 305. *Deleted.*

S. R. 306. [2][* * *].

S. R. 306-A. [2][* * *].

[1] Inserted by G. I., F. D., Correction No. 475 (S. R.), dated the 1st March, 1938.

[2] [] Deleted by G.I., F. D., Correction No. 410 (S.R.), dated the 9th January, 1939

PART VI.—FOREIGN SERVICE.

Division XXIV.—Interest on overdue contributions.

[Rules made by the Governor General in Council under Fundamental Rule 119(*b*).]

S. R. 307. If a contribution for leave-salary or pension, due in respect of a Government servant in foreign service, is not paid within fifteen days from the end of the month in which the pay on which it is based has been drawn by the Government servant concerned, interest must be paid to Government on the unpaid contribution, unless it is specifically remitted by the Governor General in Council, at the rate of four pies a day *per* Rs. 100, from the date of expiry of the period of fifteen days up to the date on which the contribution is finally paid. The interest shall be paid by the Government servant or the foreign employer according as the contribution is paid by the former or the latter.

[1]NOTE.—This rule shall not apply to cases in which the contribution for leave salary or pension is paid by His Majesty's Government [2][or by the Government of Burma] in respect of Government servants transferred to foreign service under them.

Division XXIVA–Travelling Allowance.

[3]**S. R. 307-A.** The travelling allowance of a Government servant both in respect of the journey on transfer to foreign service and the journey on reversion therefrom to Government service will be borne by the foreign employer.

NOTE.—The above rule applies even in cases where the Government servant first takes leave on reversion before joining duty under Government.

[1]This note was inserted by G.I., F.D., Correction No. 364 (S.R.), dated the 11th November 1935.

[2][] Inserted with effect from the 1st April 1937.

[3]This new rule was inserted by G.I., F.D., Correction No. 437 (S.R.), dated the 11th January 1938.

PART VII.—DELEGATIONS.

Division XXV.

[Orders issued by the Governor General in Council under Fundamental Rules 4, 6 and 7.]

S. R. 308. (a) Appendix 4 schedules the delegations of powers made by the Governor General in Council under fundamental rules 4 and 6.

(b) Appendix 13 schedules the authorities subordinate to the Governor General in Council which exercise the powers of a competent authority under the various supplementary rules made under the fundamental rules by the Governor General in Council in virtue of the power conferred upon him by fundamental rule 4.

(c) For convenience of reference, cases in which the Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by a Department of the Government of India of powers conferred by the fundamental rules upon a local Government have been included as delegations in both appendices.

S. R. 309. The Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by the authorities to whom they are delegated of the powers delegated by appendices 4 and 13.

S. R. 310. The delegations made in appendices 4 and 13 are subject to the following conditions :—

[1](a) Except where the Governor General in Council by general or special order directs otherwise, a power may be exercised by an authority to which it is delegated in respect of those Government servants only who are under the administrative control of that authority.

(b) The nature of each power delegated is shown in column 3 of the appendices. The delegation extends to the power so specified only, and not to any other power conferred by the rule quoted in column 2.

(c) If any power conferred upon a local Government or a competent authority by the fundamental or the supplementary rules, as the case may be, is not shown in the appendices, it is to be understood that such power is not delegated to any authority subordinate to the Governor General in Council.

(d) Any power delegated by either appendix to a head of a department may be exercised by [2][the Governors of Assam and North West Frontier Province in their capacity of Agents to the Governor General], a Chief Commissioner, a political resident of the first class, a Department of the Government of India or the Railway Board.

[1]As revised by G. I., F. D., Correction No. 569 (S.R.), dated the 1st January 1941.

[2][] As amended by G.I., F. D., Correction No. 569 (S.R.), dated the 1st December 1941.

(e) Nothing contained in appendices 4 and 13 will operate to restrict powers conferred upon any authority by other rules made under the Act.

(f) The Finance Department has declared, under fundamental rule 7, that its consent may be presumed to have been given to the exercise by the Railway Department of any power under the fundamental rules which is shown as conceded to that department in the schedule of the powers of the Government of India in the Railway Department in railway matters, whether or not such power is schedüled in appendices 4 and 13.

Government of India's decision.—The powers delegated to the Chief Engineer, Central Public Works Department and the Superintending Engineers, Central Public Works Department [*vide* Appendix 13 (Volume II) of this Compilation] in respect of Central Government buildings in the charge of the Central Public Works Department will be exercised by the Chief Engineer, Central Public Works Department or the Superintending Engineers, Central Public Works Department, as the case may be, also in the case of the Government servants who are not under their administrative control.

[G.I., Deptt. of Labour, letter No. B-30, dated the 6th September 1941, copy received under G.I., F.D., endorsement No. D.-3495-Ex.I/41, dated the 13th October 1941.]

Audit Instructions—

(1) The words ' who are under the administrative control of that authority' in S.R. 310 (*a*) should be understood to mean ' who are serving under the orders of that authority '.

[Para. 30 (*i*), Sec. II of Manual of Audit Instructions (Reprint).]

(2) The Resident in Mysore, who is a competent authority for purposes of S.R.81 (*a*) as read with S.R. 310 (*d*), may exercise, on his own behalf, the power of sanctioning payment of transport charges of his horses while on tour, provided he gives a certificate on each occasion that the horses were transported in the interest of public service, specifying the public interest served.

[Para. 30 (*ii*), Sec. II of Manual of Audit Instructions (Reprint).]

PART VIII.—GOVERNMENT RESIDENCES.

Division XXVI.—Allotment of Residences.

[Rules made by the Governor General in Council under Fundamental Rule 45.]

S. R. 311. When a building owned or leased by Government or a portion thereof has been made available by the Government for use as a residence by an officer under its administrative control, the competent authority may allot such building or part of a building to a post specified in the order of allotment for use as a residence by the incumbent of the post.

S. R. 312. (1) The incumbent of a post to which a residence has been allotted under rule 311 shall be considered to be in occupation of the residence during the period of his incumbency unless the allotment is changed or suspended under these rules.

(2) An officer shall not be considered to be in occupation of a residence only by reason of the fact that he shares it with an officer who is in occupation thereof.

(3) An officer shall be considered to be in occupation of his residence when absent on tour or at hill station where he is permitted, but not required, by Government to reside.

(4) An officer shall not be considered to be in occupation of a residence when he proceeds on leave, unless the competent authority otherwise directs.

S. R. 313. (1) The competent authority may suspend the allotment of a residence to a post :—

(a) which is temporarily held by an officer under Fundamental Rule 49 in addition to another post, if the officer does not actually occupy the residence ;

(b) the incumbent of which discharges the duties of another post, if such duties prevent him from occupying the residence ;

(c) to which an officer has been transferred from another post in the same station, if the officer is in occupation of a residence allotted to such other post and the competent authority does not consider it necessary that he should change his residence ;

(d) the incumbent of which habitually lives in the orthodox Indian style, if the residence has been built in the European style ;

(e) the incumbent of which habitually lives in the European style, if the residence has been built in the orthodox Indian style ; or

(f) in which an officer is officiating for a period not exceeding two months, if the officer is prevented from actually occupying the residence by circumstances which, in the opinion of the competent authority, justify the suspension of the allotment.

(2) No allotment shall be suspended otherwise than in accordance with sub-rule (1) save by order of the Governor General in Council.

(3) An order of suspension under this rule shall terminate on the next change of incumbents or when the circumstances justifying the suspension cease to exist, whichever is earlier.

(4) When the allotment of a residence to a post has been suspended under this rule, the competent authority may allot the residence to any officer of Government or, if it is not required by any such officer, to any suitable person :

Provided that the allotment to such officer or person shall terminate not later than the date upon which the period of suspension terminates.

Government of India's decisions—

(1) Heads of Circles in the Posts and Telegraphs Department may suspend the allotment of a residence to the incumbent of a non-gazetted post entitled to rent-free quarters when the incumbent is living in privately rented accommodation and it is not possible to give adequate prior intimation of the allotment to enable him to give the requisite notice of vacation to his landlord.

The period of suspension should ordinarily be equal to the period of notice which the incumbent has to give to his landlord, but it should not extend beyond the end of the ensuing calendar month.

[F.O. (C.) No. N-705/38, dated the 11th January 1940.]

(2) The Governor General in Council has decided that the Director General of Posts and Telegraphs may suspend the allotment of a residence to the incumbent of a Gazetted post when the incumbent is living in privately rented accommodation and it is not possible to give adequate prior intimation of the allotment to enable him to give the requisite notice of vacation to his landlord.

The period of suspension should ordinarily be equal to the period of notice which the incumbent has to give to his landlord, but it should not extend beyond the end of the ensuing calendar month.

N. B.—These orders do not apply to cases of transfer from one station to another.

[F.A. (C's) endorsement No. N-684/39, dated the 30th September 1940 and F.A. (C's) U/O. No. 1833-P.T./41, dated the 3rd April 1941.]

S. R. 314. An officer in occupation of a residence may sublet it, subject to the following conditions, namely :—

(a) the lessee shall be approved by the competent authority ;

(b) the sub-tenancy shall not be recognised by Government ;

(c) the lessor shall remain personally responsible for the rent and for any damage caused to the residence beyond fair wear and tear ;

(d) the sub-tenancy shall terminate not later than the date on which lessor ceases to hold the post to which the residence has been allotted ;

(e) the rent payable by the lessee shall not, except with the previous sanction of the competent authority, exceed the rent payable to Government by the lessor ; and

[1](f) the rent payable to Government by the lessor shall be the rent payable by him if he had not sub-let the residence, or the rent payable by the lessee, if the residence had been allotted to him direct by the Government, whichever is higher.

Government of India's decision.—The Governor General in Council has decided under S.R. 314 (*f*) that in the case of subletting of a Government residence when the lessor is not entitled to rent-free quarters or house rent allowance in lieu, but the lessee is so entitled, the rent payable by the lessor should be the rent payable by him if he had not sublet the residence, or the rent payable by the lessee if the residence had been allotted to him direct by Government otherwise than free of rent, whichever is higher.

When a Government residence is sub-let and the lessor and the lessee are, or the lessor is, entitled to rent free quarters or house rent allowance in lieu, the following procedure should be adopted in regard to the recovery of rent :—

(*i*) when both the lessor and the lessee are entitled to rent free quarters or house rent allowance in lieu, the lessor will pay to Government an amount equivalent to the higher of the two house rent allowances ; and

(*ii*) when the lessor is entitled to rent free quarters or house rent allowance in lieu and the lessee is not so entitled, the lessor will pay to Government an amount equivalent either to the house rent allowance admissible to him or to the rent payable by the lessee if the house had been allotted to him direct by Government, whichever is higher.

[G.I., F.D., Endorsement No. F.20 (6)-Ex. II/45, dated the 14th August 1945.]

S. R. 315. Officers holding posts to which residences have been allotted may exchange residences with the permission of the authority which made the allotment. Such exchange shall not be recognized by Government. Each officer shall remain responsible for the rent of the residence allotted to the post held by him.

S. R. 316. The competent authority may permit an officer during temporary absence from his station to store his furniture and other property at his own risk, free of rent, in the residence occupied by him prior to such absence, unless :—

(a) the officer, if any, who discharges the duties of the absent officer is responsible for payment of the rent of the residence, or

(b) arrangements are made to let the residence during such temporary absence.

[1]Inserted by G.I., F.D. Correction No. 560 S.R. dated the 1st March 1944.

[1]**S. R. 316 A. If the officer to whom a residence is allotted dies, is dismissed from the service or retires from the service, the allotment to him of the residence shall be cancelled, with effect from one month after the date of his death, dismissal or retirement, as the case may be, or with effect from any date after such death, dismissal or retirement on which the residence is actually vacated, whichever is earlier.**

Audit Instruction—In cases covered by S.R. 316-A the recovery of rent should be governed by F.R. 45-A and not by F.R. 45-B ; that is to say, while the original allotment subsists, rent should be charged at the same concessional rate as was being paid by the Government servant before his death, dismissal or retirement, as the case may be. Similarly, the concession of rent-free quarters, if it was granted in any case, should continue during the period of grace.

[Para. 5 (v), Chap. V, Sec. I of the Manual of Audit Instructions (Reprint) as inserted by Correction slip No. 65, dated the 1st April 1942.]

S. R. 317. (1) Rules 311 to 316, both inclusive, shall be deemed to have come into force on the 1st April 1924 ; [2][and rule 316-A on the 31st January 1940].

(2) Rules 311 to [3][316-A,] both inclusive, shall not apply to any class of residence in respect of which rules, other than rules 311 to [3][316-A,] made by the Governor General in Council under Fundamental Rule 45, are in force.

Division XXVI-A. Allotment of Residences in Simla to officers whose emoluments are Rs. 600 or more per mensem.

[Rules made by the Governor General in Council under F.R. 45.]

S. R.'s. 317-A. to 317-V and Schedule.—*Not printed.*

Division XXVI.-B. Allotment of Residences in New Delhi to officers whose emoluments are Rs. 600 or more per mensem.

[Rules made by the Governor General in Council under F.R. 45.]

S. R.'s. 317-A-I to 317-V-I and Schedule.—*Not printed.*

Division XXVI-C.—Allotment of Residences in New Delhi to married officers whose emoluments are less then Rs. 600 per mensem.

[Rules made by the Governor General in Council under F. R. 45.]

S. R.'s. 317-A-II to 317-V-II.—*Not printed.*

[1]This new rule was introduced with effect from the 31st January 1940.

[2][] Inserted by G.I., F.D. Correction No.517(S.R.), dated the 1st September 1940.

[3][] Substituted for the figure " 316 " by G.I., F.D. Correction No. 517 (S.R.) dated the 1st September 1940.

Division XXVI-D.—Allotment of quarters in Hostels in Delhi and New Delhi to officers whose emoluments are Rs. 600 or more per mensem.

[Rules made by the Governor General in Council under F.R. 45.]

S. R.'s. 317-A-III to 317-U-III.—*Not printed.*

Division XXVI-E.—Allotment of Residences in Simla to married officers whose emoluments are less than Rs. 600 per mensem.

[Rules made by the Governor General in Council under F. R. 45.]

S. R.'s. 317-A-IV to 317-U-IV.—*Not printed.*

Division XXVI-F.—Allotment of Residences to permanent and Candidate officers of the Bombay Customs Preventive Service.

[Rules made by the Governor General in Council under F.R. 45.]

S. R.'s. 317-A-V to 317-P-V.—*Not printed.*

Division XXVI-G.—Allotment of Residences under the Administrative control of the Northern India Salt Revenue Department.

[Rules made by the Governor General in Council under F. R. 45.]

S. R.'s 317-A-VI to 317-P-VI.—*Not printed.*

Division XXVII.—Rent of Government Residences.

[Rules made by the Governor General in Council under F. R. 45-A.]

[1]S. R. 318. For the purposes of clause II of Fundamental Rule 45-A, the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

(a) a Public Works Officer, of rank not lower than an Executive Engineer, nominated in that behalf by the competent authority ; or

(b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department, and when—

(i) the residence is in occupation of an officer whose pay does not exceed Rs. 150 a month ; or

(ii) the capital costs of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

[1]As revised by G.I., I. & L.D., Notfn. No. B.-9, dated the 29th September 1938.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 319. For the purposes of clause II of Fundamental Rule 45-A, expenditure incurred on such works as :—

(a) raising, levelling and dressing sites ;

(b) construction of revetments, retaining walls, compound walls, fences, and gates ;

(c) storm water drainage ; and

(d) approach roads and paths within the compound ;

shall be regarded as expenditure upon the preparation of a site.

S. R. 320. For the purposes of proviso (vi) to clause II of Fundamental Rule 45-A, the following shall be regarded as fittings, namely :—

Electric Fittings

(a) Lamps of all kinds (excluding bulbs) ;

[1](b) Fans, including switches and regulators, the hire of which is not charged separately ;

(c) Meters ; [2][* * *]

[3](d) Electric heaters and water heaters, which are fixed to walls, floor or ceilings ; and

[4](e) Electric lifts.

Sanitary and Water Supply Fittings

(a) Apparatus for hot water supply ;

(b) Baths, basins and lavatory equipment ; and

(c) Meters, [2][* * *].

S. R. 321. In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45-A, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be :—

(a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs of any additional work done at Government expense) and all the rates or taxes [5][in the nature of house or property tax payable in respect of the residence] under any law or customs

[1]As revised with effect from the 22nd September 1930.

[2][] Deleted by G.I., F.D., Correction No. 531 (S.R.), dated the 1st November 1931.

[3]Inserted with effect from the 31st May 1938.

[4]Inserted with effect from the 18th January 1940.

[5][] Substituted for " if any, payable " by G.I., I & L.D., Notifn. No. B.-39, dated February 1932.

by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and

(b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government *plus* interest calculated at the rate fixed by the Secretary of State in Council under sub-clause (b) (i) of clause III of Fundamental Rule 45-A—

(i) if no part of such charges is to be reimbursed by the lessor, on half such charges ; or

(ii) if part of such charges is to be reimbursed by the lessor, on half the sum of such charges and the amount to be reimbursed.

Government of India's decision.—The Governor General in Council has decided that, for the purpose of recovering from occupants not entitled to rent-free accommodation, charges incurred by the Government for repairs, maintenance, taxes, etc., in respect of residential quarters given rent-free to the Posts and Telegraphs Department by Indian States, etc., the average annual cost of repairs, maintenance, taxes, etc., should be estimated annually in advance by the Head of the Circle on the basis of the average expenditure thereon during the past three years. If information about the average expenditure for three years is not available, such figures as are available should be taken for the purpose. The annual rent thus arrived at should be apportioned on a floor area basis, when the recovery in respect of a building is to be effected from more than one occupant, or when the building is used as an office and a residence.

[F.A., P. & T's. endorsement No. N-510/34, dated the 28th March 1935.]

S. R. 322. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-A of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government and for both ordinary and special maintenance and repairs shall be—

(a) The amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including sanitary, water-supply and electric installations and fittings) *plus* the amount of the rates or taxes [1][in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body ; or

(b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45-A as the capital cost of the residence, to be fixed by the competent authority

[1] [] Substituted for " if any, payable " by G.I., I. & L. D. Notifn. No. B-29, dated 11th February 1932.

and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1) :—

(a) " probable cost " shall include all charges which may reasonably be expected to be incurred ;

(b) " ordinary repairs " shall include repairs executed annually or periodically, but shall not include special repairs ;

(c) " special repairs " shall include renewal of floors and roofs and other replacements recurring at long intervals ; and

(d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

Director General's Instructions.—The procedure adopted by the local Public Works Department authorities for calculating the percentages on account of taxes and special and ordinary repairs which are to be added to the capital cost of residential buildings should be generally followed by the Indian Posts and Telegraphs Department.

[D.G., P. & T's. letter No. 140-AP-B.S./27/Misc., dated the 4th June 1929.]

S. R. 323. When the standard rent of a residence has been calculated minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely :—

(a) the total cost of such additions and alterations shall not exceed 5 per cent. of the capital cost on which the standard rent was last calculated, and

(b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

S. R. 324. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation [1][and the recalculation shall take effect from the 1st

[1] Inserted by G.I., I. & L.D. (P. W. Br.), Notifn. No. B.-9, dated the 19th March 1935.

April next following, or from such other date as the Governor General in Council may direct].

S. R. 325. (1) If a residence is supplied with services other than water supply, sanitary or electric installations and fittings, such as furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the Governor General in Council under clause VI of Fundamental Rule 45-A, are in force) the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45-A, shall be determined by the competent authority subject to the following provisions, namely :—

(a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately ;

(b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of :—

(i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such services ;

(ii) in the case of furniture, depreciation and repairs ; and

(iii) in the case of such services, other than furniture, maintenance charges ;

[1][Provided that in the case of furniture supplied in Government residences in Simla, New Delhi and Delhi, rent shall be calculated in the manner specified in Rules 323 and 324, with the exception that the maximum limit up to which additions and alterations may be made without necessitating an immediate increase in the rent shall be 4 per cent. of the capital cost of furniture, instead of the 5 per cent. laid down in those rules. [2][This provision will also apply *mutatis mutandis* in the event of a reduction in the rents of furniture ;] and

(c) if the capital cost of such services is not known, it may be estimated by the competent authority.

[3](2) If a residence is supplied by Government with electric energy and water [4][* *] the charges for such services shall be recovered in addition to the rent payable under sub-rule (1) and under clause IV of Fundamental Rule 45-A, and shall be determined by the competent authority subject to the following provisions, namely :—

(a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the

[1] This proviso takes effect from the 1st April 1928 in Simla and from the 1st April 1936 in New Delhi and Delhi.

[2][] Inserted by G.I., F.D., Correction No. 515 (S.R.), dated the 1st September 1940.

[3] As revised by G.I., I. & L.D. Notifn. No. B-9, dated the 2nd March 1932.

[4][] Deleted by G.I., F.D. Correction No. 531 (S.R.), dated the 1st November 1941

number of units consumed each month as indicated by the meters. The rate of the cost per unit shall be so fixed as to include, in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—

(i) interest at a rate to be fixed by the Governor General in Council from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation ;

(ii) depreciation and maintenance charges on the capital assets ; and

(iii) actual running expenses.

(b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.

[1](c) If the capital outlay or cost mentioned in [2][clause (a) (i)] is not known, it may be estimated by the competent authority :

Provided that nothing contained in this sub-rule shall operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for [3][electric energy and water] subject to the condition that the basis of assessment is uniform.

[4](3) The Governor General in Council may in special circumstances by order remit or reduce the additional rent and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

Government of India's decisions—

(1) The Governor General in Council has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45A-III and 45B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45A and 45B.

[G.I., F.D., No. F.-3-XLVII-R.I/29, dated the 19th February 1930.]

(2) The Governor General in Council has decided under Supplementary Rule 325 (1) that the standard rent of furniture supplied in residential

[1]This is old clause (*d*) relettered as clause (*c*) consequent on deletion of old clause (*c*) by G.I., F.D. Correction No. 531 (S.R.), dated the 1st November 1941.

[2][] Substituted for the words " clauses (*a*) (*i*) and (*c*)(*i*) " by G.I., F.D. Correction No. 531 (S.R.), dated the 1st November 1941.

[3][] Substituted for the words " electric energy, water and meters " by G.I., F.D. Correction No. 531 (S.R.), dated the 1st November 1941.

[4]As revised by G.I., I. & L.D. Notfn. No. B-9, dated the 2nd March 1932.

quarters and bungalows of the Posts and Telegraphs Department should be fixed at the rates noted below :—

	Percentages at which standard rent should be charged on the capital cost of furniture supplied.	
	Durable.	Non-durable
	Per cent.	Per cent.
I. *New Delhi*—		
(1) Furniture in residences of Gazetted Officers .	11·25	14·25
(2) Furniture in quarters of non-gazetted officials :—		
(i) Unorthodox	14·25	21·25
(ii) Orthodox	15·25	21·25
II. *Places other than New Delhi*—		
(1) Furniture in residences of Gazetted Officers .	11·25	14·25
(2) Furniture in quarters for non-gazetted officials (both orthodox and unorthodox) . . .	14·25	21·25

[F. A. (C's.) endorsement No. N-232/39, dated the 22nd April 1941.]

S. R. 326. Fundamental Rule 45-A shall be deemed to have applied, with effect from the 1st April 1924, to all Government servants not mentioned in the said rule to whom the rules governing the allotment and conditions of occupation of Government residences and quarters in Delhi and Simla applied, and, with effect from the 1st April 1929, shall apply to all Government servants, other than those occupying residences belonging to a State Railway or rented at the cost of Railway revenues, who fulfil the conditions set forth in rule 1 of these rules.

Division XXVIII.—Rent of Government Residences—contd.

[Rules made by the Governor General in Council under F.R. 45-B.]

[1]**S. R. 327.** For the purposes of clause II of Fundamental Rule 45-B the present value of a residence including its subsidiary buildings, and of the site on which it stands, shall be estimated by—

(a) a Public Works Officer, of rank not lower than an Executive Engineer nominated in that behalf by the competent authority : or

[1]As revised by G.I., I. & L.D., Notfn. No. B-8, dated the 29th September 1933.

(b) a Divisional Engineer of the Indian Posts and Telegraphs Department, when the residence is in charge of the said Department and when—

(i) the residence is in the occupation of an officer whose pay does not exceed Rs. 150 a month ; or

(ii) the capital cost of the residence and of the subsidiary buildings attached thereto, are known only collectively but not separately.

The estimate shall be forwarded to the competent authority, who shall determine the present value of the residence and of the site.

S. R. 328. For the purposes of clause II of Fundamental Rule 45-B, expenditure incurred on such works as :—

(a) raising, levelling and dressing sites ;

(b) construction of revetments, retaining walls, compound walls, fences and gates ;

(c) storm water drainage ; and

(d) approach roads and paths within the compound ;

shall be regarded as expenditure upon the preparation of a site.

S. R. 329. For the purposes of proviso (vi) to clause II of Fundamental Rule 45-B, the following shall be regarded as fittings, namely:—

Electric Fittings.

(a) Lamps of all kinds (excluding bulbs) ;

[1](b) Fans, including switches and regulators, the hire of which is not charged separately ;

(c) Meters ; [2][* * *]

[3](d) Electric heaters and water heaters, which are fixed to walls, floors or ceilings ; and

[4](e) Electric lifts.

Sanitary and Water Supply Fittings.

(a) Apparatus for hot water supply ;

(b) Baths, basins and lavatory equipment ; and

(c) Meters, [2][* * *].

S. R. 330. In the calculation of the standard rent of a leased residence under sub-clause (a) of clause III of Fundamental Rule 45-B, the addition to be made for meeting the charges on Government other than the sum paid to the lessor shall be—

(a) for meeting such charges for both ordinary and special maintenance and repairs, the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence (including maintenance and repairs

[1]As revised with effect from the 22nd September 1930.

[2][] Deleted by G.I., F.D. Correction No. 531 (S.R.), dated the 1st November 1941.

[3]Inserted with effect from the 31st May 1933.

[4]Inserted with effect from the 18th January 1940.

of any additional work done at Government expense) and all the rates or taxes [1][in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body, unless the amount of such rates or taxes has been included in the sum paid to the lessor, and

(b) for meeting such charges for capital expenditure on additions or alterations and for the interest on such capital expenditure, an amount estimated by the competent authority to be sufficient to repay to Government during the period of the lease such charges, or such part thereof as the lessor may not have agreed to reimburse to Government, *plus* interest calculated at the rate fixed by the Secretary of State in Council under sub-clause (b) of clause III of Fundamental Rule 45-B

(i) if no part of such charges is to be reimbursed by the lessor, on half such charges ; or

(ii) if part of such charges is to be reimbursed by the lessor on the expiry of the lease, on half the sum of such charges and the amount to be reimbursed.

S. R. 331. (1) In the calculation under sub-clause (b) of clause III of Fundamental Rule 45-B of the standard rent of a residence owned by Government, the addition to be made for municipal and other taxes payable by Government, and for both ordinary and special maintenance and repairs shall be—

(a) the amount estimated by the competent authority to be the probable cost of the maintenance and repairs of the residence *plus* the amount of the rates or taxes [1][in the nature of house or property tax payable in respect of the residence] under any law or custom by the owner to a municipality or other local body ; or

(b) if no such estimate has been made, a percentage of the sum taken under clause II of Fundamental Rule 45-B as the capital cost of the residence, to be fixed by the competent authority and based on the average proportion which the amounts actually charged for such taxes, maintenance and repairs in respect of residences of similar design and with similar conveniences in the same locality bear to the capital cost of such residences.

(2) For the purpose of making the estimate or fixing the percentage referred to in sub-rule (1) –

(a) " probable cost " shall include all charges which may reasonably be expected to be incurred ;

[1]] Substituted for " if any, payable " by G.I., I. & L.D., Notifn. No. B-20. dated the 24th February 1932.

(b) " ordinary repairs " shall include repairs executed annually or periodically, but shall not include special repairs ;

(c) " special repairs " shall include renewal of floors and roofs and other replacements recurring at long intervals ; and

(d) the cost of probable cost of repairs necessitated by the occurrence of fire, flood, earthquake, abnormal storm or other natural calamity shall not be taken into consideration.

(3) The competent authority may at any time revise the amount estimated or the percentage fixed by it under sub-rule (1) and shall so revise it if no revision has taken place for five years.

S. R. 332. When the standard rent of a residence has been calculated, minor additions and alterations may be made without the rent of the residence being increased, subject to the following conditions, namely :—

(a) the total cost of such additions and alterations shall not exceed 5 per cent. of the capital cost on which the standard rent was last calculated, and

(b) such additions and alterations shall be made within five years after the last calculation of the standard rent.

S. R. 333. (1) When, by reason of additions and alterations, the capital cost of a residence exceeds by more than 5 per cent. the capital cost on which the standard rent was last calculated, the standard rent shall be recalculated with effect from the 1st April next following or from the date upon which a new tenant becomes liable for the payment of rent, whichever is earlier.

(2) Subject to the provisions of sub-rule (1), the standard rent of a residence shall be recalculated on the expiry of five years from the date of the last calculation [1][and the recalculation shall take effect from the 1st April next following, or from such other date as the Governor General in Council may direct].

S. R. 334. (1) If a residence is supplied with services such as water-supply, sanitary or electric installations and fittings, furniture, tennis court or garden maintained at the cost of Government (other than a garden in respect of which rules, other than these rules, made by the Governor General in Council under clause VI of Fundamental Rule 45-B, are in force) the rent to be charged for such services in addition to, and during the same period as, the rent payable under clause IV of Fundamental Rule 45-B shall be determined by the competent authority subject to the following provisions, namely :—

(a) the rent shall, in the case of furniture, be calculated for durable and non-durable articles separately ;

[1][] Inserted by G. I., I. & L. D., (P. W. Br.), Notfn. No. F. 9, dated the 19th March 1935.

(b) the rent shall be expressed as a monthly rent and shall be one-twelfth of the amount annually required for the payment of :—

(i) interest at a rate to be fixed from time to time by the Governor General in Council in this behalf on the capital cost of such services ;

(ii) in the case of such services other than tennis court and garden, depreciation and repairs ; and

(iii) in the case of tennis court and garden, maintenance charges ;

[1]Provided that in the case of furniture supplied in Government residences in Simla, New Delhi and Delhi, rent shall be calculated in the manner specified in Rules 332 and 333, with the exception that the maximum limit up to which additions and alterations may be made without necessitating an immediate increase in the rent shall be 4 per cent. of the capital cost of furniture, instead of the 5 per cent. laid down in those rules. [2][This provision will also apply *mutatis mutandis* in the event of a reduction in the scale of furniture ;]

and

(c) if the capital cost of such services is not known, it may be estimated by the competent authority.

[3](2) If a residence is supplied by Government with electric energy and water [4][* * *] the charges for such services shall be recovered in addition to the rent payable under sub-rule (1) and under clause IV of Fundamental Rule 45-B, and shall be determined by the competent authority subject to the following provisions, namely :—

(a) In the case of electric energy and water, the supply of which is regulated by meters, the charges shall be calculated on the number of units consumed each month as indicated by the meters. The rate of cost per unit shall be so fixed as to include, in addition to such margin of profit to Government as the competent authority may deem reasonable, the amount required for the payment of—

(i) interest at a rate to be fixed by the Governor General in Council from time to time in this behalf on the capital outlay incurred on the system up to the point of contact with the internal installation ;

(ii) depreciation and maintenance charges on the capital assets ; and

(iii) actual running expenses.

[1]This proviso takes effect from the 1st April 1928 in Simla and from the 1st April 1938 in New Delhi and Delhi.

[2][]Inserted by G. I., F. D., correction No. 515 (S. R.) dated 1st September 1940.

[3] As revised by G. I., I. and L. D., Not fn. No. B.-9 dated the 2nd March 1932.

[4][]Deleted by G. I., F. D., Correction No. 531 (S. R.), dated the 1st November 1941.

(b) In the case of electric energy and water, the supply of which is not regulated by meters, the charges recoverable shall be fixed at such rates as the competent authority may deem reasonable.

[1](c) If the capital outlay or cost mentioned in [2][clause (a) (i)] is not known it may be estimated by the competent authority :

Provided that nothing contained in this sub-rule operate to prevent the competent authority from grouping a number of residences whether in a particular area or of a particular class or classes for the purpose of assessment of charges for [3][electric energy and water] subject to the condition that the basis of assessment is uniform.

[4](3) The Governor General in Council may in special circumstances, by order, remit or reduce the additional rent and charges referred to in sub-rules (1) and (2) for reasons which should be recorded in the order.

Government of India's decisions.—

(1) The Governor General in Council has decided that the same rate of interest which is applied for purposes of Fundamental Rules 45-A-III and 45-B-III should be adopted for the purposes of the Supplementary Rules made under Fundamental Rules 45-A and 45-B.

[G. I. ,F. D., No. F.—3-X.I.VII-R. I./29, dated the 19th February 1930.]

(2) See item 2 of the Government of India's decision below Supplementary Rule 325.

S. R. 335. Rules 327 to 334, both inclusive, shall be deemed to have come into force on the 3rd August 1927.

[1] This is old clause (d) relettered as lause (c) consequent on deletion of old clause (c) by G. I., F. D., Correction No. 531 (S.R.), dated the 1st November 1941.

[2] []Substituted for the words "clauses (a) (i) and (c) (i) " by G. I., F. D., Correction No. 531 (S. R.), dated the 1st November 1941.

[3] []Substituted for the words "electric energy, water and meters" by G. I., F. D., Correction No. 531 (S. R.), dated the 1st November 1941.

[4] As revised by G. I., I. & L. D., Notfn. No. B.—9, dated the 2nd March 1932.

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This index has been compiled solely for the purpose of assisting references. No expression used in it should be considered in any way as interpreting the rules. The following abbreviations have been used :—

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		A. I.	Audit Instruction.
		A. R.	Audit Ruling.
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		G. I.	Government of India.
F. R. (III)	Fundamental Rules in Section III.	Ar. G.	Auditor General of India.
F. R.	Fundamental Rules in either Section.	D. G.	Director General of Posts and Telegraphs.

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NOTE OF POSTING OF CORRECTIONS.

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